



---

# MINUTES

---

**For the Ordinary Meeting of Council  
Held on  
Tuesday 18 September 2012  
6.00pm  
City of Albany Council Chambers**

## **CITY OF ALBANY STRATEGIC PLAN (2011-2021)**

The City of Albany Strategic Plan was adopted by Council on 16 August 2011 and is available at [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

The Plan states our vision and values as:

### **VISION**

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

### **VALUES**

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

- Results
- Ethical behaviour
- Accountability
- Leadership

ORDINARY COUNCIL MEETING  
 MINUTES – 18/09/2012  
 \*\* REFER DISCLAIMER \*\*

**TABLE OF CONTENTS**

	Details	Pg#
I.	<b>DECLARATIONS OF OPENING</b>	4
II.	<b>OPENING PRAYER</b>	4
III.	<b>ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION</b>	4
IV.	<b>RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME</b>	4
V.	<b>PUBLIC QUESTION AND STATEMENT TIME</b>	5-7
VI.	<b>RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>	8
VII.	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	8
VIII.	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	9
IX.	<b>DECLARATIONS OF INTEREST</b>	10
X.	<b>IDENTIFICATION OF MATTERS FOR WHICH COUNCIL MAY SIT BEHIND CLOSED DOORS</b>	11
XI.	<b>PETITIONS, DEPUTATIONS AND PRESENTATIONS</b>	11
XII.	<b>ADOPTION OF RECOMMENDATIONS EN BLOC</b>	11
XIII.	<b>REPORTS</b>	
1.0	<b>OFFICE OF THE CEO</b>	
1.1	Audit and Finance Committee	1
1.1.1	Governance Committee	2
1.1.2	Cultural and Community Development Committee	3
1.1.3	Airport Emergency Committee	4
1.1.4	Seniors Committee	5
1.2	Common Seal and Executed Document Report July 2012	6
2.0	<b>REPORTS-PLANNING AND DEVELOPMENT SERVICES</b>	
2.1	Planning and Development Committee	1
2.2	Planning and Building Reports-August 2012	2
2.3	Final Adoption of Amendment-Pt Lot 50 Nanarup Road, Kalgan	3-24
2.4	Final Approval of Amendment-Lot 50 Chester Pass Road, King River	25-32

ORDINARY COUNCIL MEETING  
 MINUTES – 18/09/2012  
 \*\* REFER DISCLAIMER \*\*

<b>3.0</b>	<b>REPORTS-COMMUNITY SERVICES</b>	
3.1	Fees and Charges Amendments for the Albany Leisure and Aquatic Centre	1-4
3.2	Extended Trading Hours within the City of Albany	5-8
<b>4.0</b>	<b>REPORTS-CORPORATE SERVICES</b>	
4.1	List of Accounts for Payment August 2012	1-2
4.2	Financial Activity Statement August 2012	3-14
4.3	Temporary Closure of Portion of Warriup Road (Off Venns Road) Mettler	15-20
4.4	Extension and Variation of Lease-The Navy League of Australia-Reserve 35137, Albany	21-28
4.5	Extension and Variation of Lease-Apex Club of Albany Inc. Reserve 1948, Drome	29-36
4.6	New Lease-Lower King Community Association Inc.-Crown Reserve 24154, Lower King	37-44
<b>XIV.</b>	<b>MOTIONS WITH NOTICE Nil.</b>	
<b>XV.</b>	<b>MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING</b>	
15.1	Notice of Motion by Councillor Bostock-Media Release	1-2
<b>XVI.</b>	<b>URGENT BUSINESS APPROVED BY DECISION OF THE MEETING.</b>	
16.1	Motion by Councillor Dowling-Membership of CEO Recruitment Committee	3
<b>XVII.</b>	<b>REQUEST FOR REPORTS FOR FUTURE CONSIDERATION</b>	
<b>XVIII.</b>	<b>ANNOUNCEMENT OF NOTICES OF MOTIONS TO BE DEALT WITH AT THE NEXT MEETING</b>	
18.1	Notice of Motion by Councillor Bostock-Rates	4
<b>IX.</b>	<b>ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC</b>	
<b>XX.</b>	<b>NEXT ORDINARY MEETING DATE</b>	
<b>XXI.</b>	<b>CLOSURE OF MEETING</b>	5

Appendix A Deferred Items  
 Appendix B Tabled Addresses

**I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Mayor declared the meeting open at [6:01:01 PM](#)

**II. OPENING PRAYER**

The Mayor read the opening prayer.

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

**ITEM 2.0: RESOLUTION**

**MOVED: COUNCILLOR HORTIN**

**SECONDED: COUNCILLOR HOLDEN**

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

**CARRIED 12-0**

**III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION**

[6:02:11 PM](#) **Councillor Holden**

Summary of key points:

- Lower King Kindergarten is currently calling for new enrolments to boost the number of children attending the facility.

**ITEM 3.0: RESOLUTION**

**MOVED: COUNCILLOR HOLDEN**

**SECONDED: COUNCILLOR GREGSON**

**The Mayor’s Report be RECEIVED.**

**CARRIED 12-0**

**IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC**

Nil.

## V. PUBLIC QUESTION AND STATEMENT TIME

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

### [6:05:22 PM](#) **Mr Ian Lunt, Boswell Pty Ltd**

Summary of key points:

- Addressed Council concerning the proposed rezoning of the property known as 'Candyup'
- The Development Application has not changed substantially since the WA Planning Commission declined the original application
- The steep incline of the land already creates drainage issues for surrounding landowners, this will only be exacerbated with further development
- East Bank Road already has drainage and inundation issues
- Land slippage due to underlying granite makes the area unsuitable for conventional house pads
- Lower Kalgan community is in favour of 'Special Rural' zoning, not 'Special Residential'
- Potential pollution of Oyster Harbour from increased storm water runoff

### [6:09:15 PM](#) **Mr David Giles, Nanarup Road, Kalgan**

Summary of key points:

- Supported subdivision originally
- Appears to be different rules for non resident and absentee landowners with regard to development and rezoning issues
- Proposed development is on rim of basin, highly visible

### [6:11:50 PM](#) **Ms Anne Brandenburg, David Street Spencer Park**

Ms Brandenburg's tabled address is detailed at Appendix B.

- In favour of Cr Bostock's Alternate Motion

### [6:14:48 PM](#) **Mrs Sylvia Brandenburg, Moonlight Road, Kalgan**

Summary of key points:

- Spoke in favour of Councillor Bostock's Alternate Motion for Item 2.3
- Council should view this as an opportunity to be proactive in the planning decision, and to initiate a full precinct plan for the Kalgan area

**6:17:15 PM Mr Tony Stanton, Little Grove**

Mr Stanton's tabled address is detailed at Appendix B.

- Item 3.1: Albany Leisure and Aquatic Centre Fees

**6:21:37 PM Mr John O'Dea, Bushby Road, Lower King**

Summary of key points:

- Spoke in favour of the 'Candyup' development, and praised the proponent for his depth of experience in development projects
- This development has not progressed as it should over a long period of time

**6:26:45 PM Mr Rod Hedderwick, Harley Global, Serpentine Road**

Summary of key points:

- Spoke on behalf of the proponent for the proposed rezoning of Lot 50 Chester Pass Road
- Supported the Responsible Officer Recommendation
- The proposal has been through due process and is supported by the appropriate agencies, and is consistent with objectives of ALPS

**6:28:49 PM Mr Ian Rayson, Business Proprietor, Lockyer Avenue**

Summary of key points:

- Objects to Extended Trading Hours which include Sunday trading
- Recent community consultation regarding deregulated trading hours has shown very little community support for deregulated trading

**6:30:48 PM Mr Paul Lionetti, IGA York Street**

Summary of key points:

- Spoke in opposition to the proposed Extended Trading Hours-Item 3.2
- Clear indication that retailers do not want deregulated trading hours
- There was no public participation in the recent forums held for deregulated trading
- Was not opposed to Sunday trading for December between the hours of 11am and 6pm

ORDINARY COUNCIL MEETING  
MINUTES – 18/09/2012  
\*\* REFER DISCLAIMER \*\*

[6:33:09 PM](#) **Mr Michael Pemberton, Shorts Place, Mira Mar**

Summary of key points”

- Addressed Council on Item 3.2
- 81% of members of Albany Chamber of Commerce and Industry opposed deregulated trading
- Council Policy on Extended Trading hours should be adhered to
- Adequate opportunity for trading as is

There being no further speakers the Mayor closed the Public Question and Statement Time at [6:35:24 PM](#)



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

Mayor D Wellington

**Councillors:**

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

**Staff:**

Acting Chief Executive Officer	L Hill
Executive Director Community Services	C Woods
Executive Director Planning & Development Services	D Putland
Executive Director Works & Services	S Grimmer
Executive Director Corporate Services	G Adams

Minutes J Williamson

**Apologies:**

Breaksea Ward Councillor Hammond

Two members of the media and approximately forty members of the public were in attendance.

**VII. APPLICATIONS FOR LEAVE OF ABSENCE**

**ITEM 7.0: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**

**SECONDED: COUNCILLOR BOWLES**

**THAT Councillor Attwell be granted leave of absence for the month of October.**

**CARRIED 12-0**

**VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

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

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR DUFTY**

**THAT the minutes of the Ordinary Council Meeting held on 21 August 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

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

**MOVED: COUNCILLOR DUFTY**  
**SECONDED: COUNCILLOR CALLEJA**

**THAT the minutes of the Special Council Meeting held on 29 August 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

**IX. DECLARATIONS OF INTEREST**

Name	Item Number	Nature of Interest
Councillor Attwell	1.1	<b>Impartiality.</b> The nature of the interest being that Councillor Attwell has an interest in common with leaseholders at Cheyne Beach. Councillor Attwell's lease is not due until 2014. Councillor Attwell remained in the Chamber and participated in the discussion and vote.
Mayor Wellington	3.2	<b>Financial.</b> The nature of the interest being that Mayor Wellington is a retailer in the City. Mayor Wellington left the Chamber and did not participate in the discussion or vote.
Councillor Calleja	3.2	<b>Proximity.</b> The nature of the interest being that Councillor Calleja is an Executive Member of the Albany Chamber of Commerce and Industry. Councillor Calleja left the Chamber and did not participate in the discussion or vote.
Mayor Wellington	4.1	<b>Financial.</b> The nature of the interest being that Mayor Wellington received payment for goods from the City. Mayor Wellington left the Chamber and did not participate in the discussion or vote.

**X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

16.1: Motion by Councillor Dowling-Membership of CEO Recruitment Committee

**XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil.

**XII. ADOPTION OF RECOMMENDATIONS EN BLOC**

Nil.

**RISK MANAGEMENT FRAMEWORK**

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

**1.1: AUDIT AND FINANCE COMMITTEE**

**Proponent** : City of Albany  
**Responsible Officer** : Acting Chief Executive Officer (L Hill)

**ITEM 1.1: COMMITTEE RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR BOWLES**

**THAT the confirmed minutes of the Audit and Finance Committee held on 23 July 2012 be RECEIVED.**

**CARRIED 12-0**

**ITEM 1.1: COMMITTEE RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR HORTIN**

**THAT Council ADOPTS the Property Management – Leases and Licences Policy, with the following conditions applicable to Policy principles 46:**

- **No new Commercial Fishing Accommodation Leases or Licences will be granted on waterfront Property.**
- **All existing Commercial Fishing Accommodation Leases and Licences will be reviewed 12 months prior to expiry balancing environmental protection and prevention of degradation of coastal foreshores with need, prior to considering any renewal.**
- **Any renewal of existing Commercial Fishing Accommodation Leases and Licences on waterfront Property will be for a maximum 5 year term.**

**CARRIED 12-0**

**ITEM 1.1: COMMITTEE RECOMMENDATION 3  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR DOWLING**

**THAT Council seek competitive quotes from Hester Property Group and CRL Highbury Consulting for the provision of property services prior to awarding this contract.**

**CARRIED 12-0**

18/09/2012

\*\*REFER DISCLAIMER\*\*

**ITEM 1.1: COMMITTEE RECOMMENDATION 4  
VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILLOR DUFTY**

That the delegations detailed in the Register of Delegations be **ADOPTED**, pending the following delegation amendment:

Institute legal proceedings and representing the City in a Court (Enforcement & Legal Proceedings) is appended with the additional condition (3): That funding is available in the current budget.

**CARRIED 12-0**



## AUDIT & FINANCE COMMITTEE

### MINUTES

for the meeting held from 5.30pm on Monday 23 July 2012,  
in the Margaret Coates Boardroom, City Office, North Road, Albany

**(File Ref: FM.MEE.1/AM1263879)**

**Terms of Reference:** *The Committee is established under section 7.1A of the Local Government Act 1995 (the Act) and its Regulations. The Committee does not have any delegated authority from Council.*

#### 1.0 ATTENDANCE

**Mayor** D Wellington (Deputy Chair)

**Councillors:**

Y Attwell	Member
S Bowles	Member
G Gregson	Member
C Holden	Member
A Hortin	Member
R Sutton	Member
D Bostock	Member

**Staff:**

Acting Chief Executive Officer	L Hill
Executive Director Works & Services	S Grimmer
Executive Director Corporate Services	G Adams
Minute Taker	J Williamson

**Apologies/Leave of Absence:**

G Stocks	Member (Chair)
C Dowling	Member
V Calleja	Member
D Dufty	Member
R Hammond	Member

The Presiding Member declared the meeting open at 5.31pm.

**2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**ITEM 2.0: RESOLUTION**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR BOWLES**

**The unconfirmed minutes of the Audit Committee meeting held on Monday 28 May 2012, as previously distributed, be confirmed as a true and accurate record of proceedings.**

**CARRIED 8-0**

**3.0 DISCLOSURE OF INTEREST**

*[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]*

No Disclosures of Interest were received.

5.35pm: Executive Director Works and Services entered the meeting.

**4.0 STANDING ITEMS FOR DISCUSSION**

**4.1 Monthly Report-Airport Masterplan**

**Reporting Officer:** Executive Director Community Services

Acting Chief Executive Officer, Ms Linda Hill, gave a verbal update to the Committee. A written report will be available at the August Audit and Finance Committee.

**4.2 Monthly Capital Works-Works and Services Projects Spreadsheet**

**Reporting Officer:** Executive Director Works and Services

Executive Director Works and Services gave a verbal update in support of the Monthly Capital Works-Works and Services Projects Spreadsheet.

**4.3 Monthly Risk Register**

**Reporting Officer:** Chief Executive Officer

Committee noted the Risk Register.

**4.4 Quarterly Legal Register Table (Due August 2012)**

**Reporting Officer:** Chief Executive Officer

**4.5 Quarterly Major Projects Spreadsheet (Due August 2012)**

**Reporting Officer:** Manager Asset Planning and Major Projects

**4.6 Unscheduled Works Register**

**Reporting Officer:** Executive Director Works and Services

Executive Director Works and Services gave a verbal update in support of the Unscheduled Works Register. \$100,000 will be retained as a Reserve for emergency works as they occur.

**4.7 Expenditure for Anzac Centenary**  
**Reporting Officer:** Chief Executive Officer

Extensive discussion occurred regarding the direction Council wishes to take in regard to the Anzac Centenary celebrations, construction of the Interpretive Centre, and possible external parties interested in management of the Forts Precinct.

**5.0 ITEMS FOR DISCUSSION**

**5.1 Better Practice Review**

**ITEM 5.1: RECOMMENDATION**

**MOVED: COUNCILLOR ATTWELL**  
**SECONDED: COUNCILLOR GREGSON**

**THAT the Best Practice Review implementation progress report is finalised and noted by the Audit and Finance Committee.**

**CARRIED 8-0**

- 5.2 Lockyer Avenue Freehold Lot-Report not available at this time**
- 5.3 Carryover of Works-Flinders Parade Pathway**
- 5.4 CDOs-update for noting only**
- 5.5 Land Swap-Hester Property Solutions-Report not available at this time**
- 5.6 Motion by Councillor Bostock**

The Committee discussed the intent of this motion, and the possible effect it may have on an effective defence being able to be mounted by the City against a possible claim by the former CEO.

**6.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS**

- 6.1 Emergency Management**
- 6.2 Airport Emergency Management**
- 6.3 Investment Strategy with Community Banks**
- 6.4 Emergency Management Services-Risks and Treatment**
- 6.5 OSH Risks and Treatments**
- 6.6 Lockyer Avenue Freehold Lot**
- 6.7 Land Swap-Hester Property Solutions**



**7.0 GENERAL DISCUSSION**

**7.1: Minister for Local Government v City of Albany.**

The CEO gave a verbal update to the Committee regarding the Minister for Local Government v City of Albany.

**7.2: Payment of Waste Levy**

Councillor Attwell asked if there had been any ratepayers becoming the subject of legal action to recover unpaid Waste Levy charges.

Councillor Sutton asked how many ratepayers had not paid the Waste Levy.

Executive Director Corporate Services is to investigate on both these issues and provide a response.

**8.0 DATE OF NEXT MEETING: 27 August 2012**

**9.0 CLOSURE OF MEETING**

There being no further business the Deputy Chair declared the meeting closed at 7.09pm.

**1.1.1: GOVERNANCE COMMITTEE**

**Proponent** : City of Albany  
**Attachments** : Minutes of Governance Committee meeting held on 23 July 2012  
**Responsible Officer(s)** : Acting Chief Executive Officer (L Hill)

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR BOWLES**

**THAT the confirmed minutes of the Governance Committee Meeting held on 23 July 2012 be RECEIVED.**

**CARRIED 12-0**



**GOVERNANCE COMMITTEE**

**MINUTES**

For the meeting held on Monday 23 July 2012,  
in the Margaret Coates Boardroom, City Office, North Road, Albany

**(File Ref: CM.MEE.6/AM1263881)**

**Terms of Reference:** *The Committee is established under section 7.1A of the Local Government Act 1995 (the Act) and its Regulations. The Committee does not have any delegated authority from Council.*

**1.0 ATTENDANCE**

<b>Mayor</b>	D Wellington(Chair)
<b>Councillors:</b>	
Y Attwell	Member
D Bostock	Member
S Bowles	Member
G Gregson	Member
R Sutton	Member
C Holden	Member
A Hortin	Member
<b>Staff:</b>	
Minutes	J Williamson
<b>Apologies/Leave of Absence:</b>	
V Calleja	Member
D Dufty	Member
C Dowling	Member
G Stocks	Member
R Hammond	Member

The Presiding Member declared the meeting open at 7.18pm.

**2.0 CONFIRMATION OF MINUTES**

**ITEM 2.0: RECOMMENDATION**

**MOVED: COUNCILLOR ATTWELL  
SECONDED: COUNCILLOR HOLDEN**

**THAT the minutes of the Special Governance Committee Meeting held on 7 June 2012, as previously distributed, be accepted as a true and accurate record of proceedings.**

**CARRIED 8-0**

**3.0 STANDING ITEMS**

3.1 Staff Movements-the Committee noted the report.

**4.0 ITEMS FOR DISCUSSION**

4.1: Review of Recruitment Process for Chief Executive Officer-Councillor Bowles

**1. Review of CEO Appointment Process**

*“Council need to have an awareness of what steps have been taken in the past to determine appropriate steps and timeline for future appointments.*

*Review of these steps should include, but are certainly not limited to:*

- a. Who was involved?*
- b. Process to determine selection of Consultant;*
- c. Information and instructions to Consultant;*
- d. Brief supplied for the position.*

*A brief brainstorm by Council as a group to determine what worked and what did not work, and any suggestions or ideas to improve the process in the future.”*

**2. Identification of Key Performance Areas and Leadership Qualities for role of CEO.**

*“Whilst we are looking forward to the direction and advice that we will receive from Garry Hunt, I feel it is imperative that Council ensure they, as a group, determine the Key Performance Areas and Leadership qualities we, as a Council, are seeking before his arrival. I feel confident that Council can illustrate effectively the Key Performance Areas, Leadership qualities and direction that we will be seeking.*

*Once again, a short 20-30 minute brainstorm within the group will identify these.”*

Lengthy discussion followed among Committee members. No recommendation was made.

**5.0 ITEMS TO BE DISCUSSED AT NEXT MEETING-to be advised.**

**6.0 GENERAL DISCUSSION** (in the absence of staff). Nil.

**7.0 DATE OF NEXT MEETING:** 27 August 2012

**8.0 CLOSURE OF MEETING**

There being no further business the Chair declared the meeting closed at 7.57pm.

**1.1.2: CULTURAL AND COMMUNITY DEVELOPMENT COMMITTEE**

**File Number (Name of Ward)** : CS.MEE.6  
**Proponent** : City of Albany  
**Appendices** : Minutes of the Cultural and Community Development  
Committee 24 April 2012  
**Responsible Officer** : Acting Executive Director Community Services  
(C Woods)

**IN BRIEF**

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

**ITEM 1.1.2: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUCNILLOR HOLDEN  
SECONDED: COUNCILLOR DUFTY**

**The CONFIRMED minutes of the Cultural and Community Development Committee meeting held on Tuesday 24 April 2012, be RECEIVED.**

**CARRIED 12-0**



**CULTURAL AND COMMUNITY DEVELOPMENT COMMITTEE  
MINUTES**

For the meeting held from 3.30pm to 5.30pm on Tuesday 24 April 2012,  
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: CS.MEE.6/AM1223625)

**1.0 ATTENDANCE**

<b>Councillors:</b>	
Councillor Sarah Bowles	Councillor
Councillor Chris Holden	Councillor
<b>Committee Members:</b>	
Ms Rachel Wilsher-Saa	Community Representative
Dr Dell Dennis	Community Representative
Ms Dianne Loftus-Taylor	Community Representative
Mr Tim Riessen	Community Representative
<b>Staff:</b>	
Ms Linda Hill	Executive Director, Community Services
Mr Adam Cousins	Manager, Cultural and community Development
Miss Emily Hubble	Administrative Assistant, Community Services
<b>Apologies/Leave of Absence:</b>	
Councillor Don Dufty	Councillor
Faileen James	Chief Executive Officer

Meeting opened at 3.35pm

**2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**ITEM 2.0: DRAFT COMMITTEE RESOLUTION**

**MOVED: DIANNE LOFTUS-TAYLOR  
SECONDED: RACHEL WILSHER-SAA**

**THE UNCONFIRMED MINUTES OF THE CULTURAL AND COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD ON 27 MARCH 2012 AS PREVIOUSLY DISTRIBUTED, BE CONFIRMED AS A TRUE AND ACCURATE RECORD OF PROCEEDINGS.**

**CARRIED 6-0**

**3.0 DISCLOSURE OF INTEREST**

NIL

**4.0 ITEMS FOR DISCUSSION**

**4.1 CCDC meeting time (conflicts with Planning and Development Committee)**

General discussion regarding meeting time. Committee agreed appropriate to keep meeting time as 3.30pm – 5.30pm.

**4.2 Cultural and Community Development (1 hr)**

Round table discussion regarding the committees shared understanding of cultural and community development and the committee terms of reference.

- SB noted that CCD functions within the City have only a small percentage of the wider City operational budget so goals needed to realistically reflect this.
- Committee identified five 'priority areas' that should form the main focus of the committee:
  - *Community Capacity Building;*
  - *Motivating the Community;*
  - *Community Engagement;*
  - *Creating Change;* and
  - *Meeting Places.*

**4.3 Is the committee serving the Terms of Reference (standing item)**

Chair noted that committee discussion on item 4.2 covered item 4.3

**4.4 ANZAC Centenary Projects – update (standing item)**

- LH confirmed Federal Government support for the ANZAC Interpretive Centre.
- LH noted the City was engaged in a conversation with the State Government regarding delivery of the 'Departure of the Convoys' event.

**4.5 Kite Surfing**

- General discussion regarding Kite Surfing activity in Albany.
- LH spoke regarding issues at Black Swan Point. Noted immediate actions to improve safety and amenity for the public. Noted that broader issues relating to Kite Surfing would be addressed through a future Recreation Master plan.

Linda Hill exited meeting 4.45pm.

**5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS**

**5.1 CCDC Priority Areas.**

Discussion to continue regarding identified priority areas.

**5.2 Art Prize's**

Report regarding the Centennial Art Prize, Albany Art Prize and Curators Choice Exhibition to be discussed at next meeting.

**5.3 Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests; Youth**

LH advised that an invitation from the minister had been received regarding input into a forum on relevant and important issues related to women. Details to be forwarded to the committee for comment.

**5.4 Kite Surfing**

Continue discussion of item 4.5

**5.5 Markets**

Discussion regarding the Saturday Albany Farmer's Market and potential benefits of relocating the market to lower York Street. AC to discuss with City regarding the best approach to progress this proposal.

**5.6 Traffic Study - Update on cycle ways and trails**

Chair requested that an update on the City traffic study regarding cycle ways and trails be presented to the committee

**5.7 Town Hall Update**

Request for an update on planning and confirmation of the endorsed Audit & Finance committee options to be explored further as part of a future report.

**6.0 GENERAL DISCUSSION**

**6.1 Classic Car Rally**

- Cr Holden advised that he understood this event may not be continuing in 2012.
- AC clarified that this event was not a City event but had been a recipient of the City's 'Iconic Event' funding program.

**6.2 Confidential Items**

DL-T requested clarification on whether or not items discussed in CCDC were confidential. AC advised that the minutes from meetings would become publically available and most matters raised in meeting would become available for the public to view.

**6.3 Grand Piano Appeal**

Cr Holden noted that the AEC Grand Piano appeal is short \$35 000.



**7.0 DATE OF NEXT MEETING:**  
24 JULY 2012

**8.0 CLOSURE OF MEETING**  
Meeting closed at 5.20pm

CONFIRMED: CHAIRPERSON  DATE: 10, 8, 12

CONFIRMED

**1.1.3: AIRPORT EMERGENCY COMMITTEE**

**File Number (Name of Ward)** : CS.MEE.2  
**Proponent** : City of Albany  
**Attachment** : Confirmed Minutes of the Airport Emergency Committee  
24 August 2011  
**Responsible Officer** : Acting Executive Director Community Services  
(C Woods)

**IN BRIEF**

- Receive the minutes of the Airport Emergency Committee

**ITEM 1.1.3: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR DUFTY**

**THAT the CONFIRMED minutes of the Airport Emergency Committee meeting held on 24 August 2011 be RECEIVED.**

**CARRIED 12-0**



**AIRPORT EMERGENCY COMMITTEE  
MINUTES**

for meeting to be held at 9.30AM on Wednesday 24 August 2011  
in the Civic Rooms at City of Albany Offices North Road

**Document Ref: CS.MEE.2 /AM1119661**

**Terms of Reference:** To review the Albany Airport's emergency procedures and analyse the report of the annual emergency exercise. This committee is now a subcommittee of the Local Emergency Management Committee.

**1. ATTENDANCES:**

- |   |                  |
|---|------------------|
| <b>Chair</b>                                | D Wolfe          |
| <b>Councillors</b>                          | D Dufty          |
| <br>  |                  |
| <b>Community members</b>                    |                  |
| WAPOL Police Officer                        | P McLean         |
| WAPOL Police Officer                        | Sen Sgt McAlpine |
| Chief Bushfire Control Officer              | R Fenwick        |
| Bureau of Meteorology Albany                | J Balhorn        |
| FESA Community Emergency Management Officer | A Smith          |
| <br>  |                  |
| <b>Staff:</b>                               |                  |
| Emergency Management Officer                | G Turner         |
| Senior Airport Reporting Officer            | D Walker         |
| <br>  |                  |
| <b>Apologies/Leave of Absence:</b>          |                  |
| Southern Roads                              | M Mallaby        |
| Albany Hospital                             | F Berger         |
| Chief Executive Officer                     | F James          |
| Albany Airport Services                     | S Johnson        |
| City of Albany Councillor                   | M Leavsley       |
| Department of Child Protection              | S Tup-Evans      |
| St John Ambulance                           | S Abbott         |
| Sate Emergency Services                     | L Elms           |
| FESA  | K Parsons        |
| Community Services Leader                   | L Hill           |

Presiding Member	
EMT Member Responsible for Committee:	

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**ITEM 2 – COMMITTEE RECOMMENDATION**

**MOVED: Des Wolfe**  
**SECONDED: Ross Fenwick**

**The minutes of the Airport Emergency Committee meeting held on 1 June 2011 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 6/0**

**3. DISCLOSURE OF INTEREST**

NIL

**4. ITEMS FOR DISCUSSION**

**4.1 Action taken from incident VH-IBY**

Deb Walker provided documentation outlining corrective action taken post Disable Aircraft incident dated 25/5/2011. The management and the staff at Albany Airport take seriously their roles and Deb Walker ensured all Airport Reporting Officers had attended and obtained the appropriate training by an Approved Training Officer (ATO) at Aerodrome Management Services Jandakot. Records of this training are kept in File 10 at Albany Airport Office.

A staff flow chart was reviewed by the committee and information provided by WAPOL Peter McLean was added to the flow chart which will be displayed for all Albany Airport Staff as a quick reference in the event of an emergency in conjunction with the AEP.

**4.2 An overview of the Security upgrade at Albany Airport was delivered to the committee and D Walker informed the committee that the Transport Security Plan would be the only overriding document that affected the AEP. Reference was given towards the development of the Masterplan and it was noted that consideration be given to recommend the Highway Fire Brigade shed be declared "landside" for ease of access and use by members.**

**4.3 It was agreed by all committee members present that due to lack of attendees Deb Walker will work directly with Peter McLean from WAPOL to review the new AEP template from the Australian Airports Assoc and distribute to members prior to the next AEC meeting for approval and adoption of all agencies.**

**5. ITEMS TO BE DISCUSSED AT NEXT MEETING**

**5.1 Desktop exercise set a date that suits all agencies. Good opportunity for agencies to familiarise new AEP**

**5.2 Review and adopt new draft of AEP.**

**6. DATE OF NEXT MEETING**

Wednesday 7th December 2011

**7. CLOSURE OF MEETING**

There being no further business to discuss, the meeting closed at 10.15am

- Attachments:** 1. OCM 17/05/2011 - Agenda Item 3.2  
2. AEP Template  
3. Standard Operating Procedures flow chart  
4. Remedial action taken

CONFIRMED: CHAIRPERSON *G. Guepou* AGENDA ITEM 1.1.3 REFERS  
DATE: *9/8/2012*

**1.1.4: SENIORS COMMITTEE**

**File Number (Name of Ward)** : CR.MEE.2  
**Proponent** : City of Albany  
**Attachment** : Confirmed Minutes of the Seniors Committee  
15 May 2012  
**Responsible Officer** : Acting Executive Director Community Services  
(C Woods)

**IN BRIEF**

- Receive the minutes of the Seniors Committee

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

**MOVED: COUNCILLOR DUFTY**  
**SECONDED: COUNCILLOR HORTIN**

**THAT the CONFIRMED minutes of the Seniors Committee meeting held on 15 May 2012 be RECEIVED.**

**CARRIED 12-0**



## SENIORS COMMITTEE

## MINUTES

For the meeting to held from 9.30am to 10.30am on Tuesday 15 May 2012,  
in the Civic Rooms, City Office, North Road, Albany

(File Ref: CR.MEE.2/AM1223699)

## 1.0 ATTENDANCE

<b>Councillors:</b>	
Councillor Don Duffy	Council Member and Chair
<b>Committee Members:</b>	
Mr Michael Calton	Community Member
Mr Ken Ewers-Verge	Community Member
Mr John Slattery	Community Member
Mr David Mattison	Community Member
<b>Staff:</b>	
Faileen James	Chief Executive Officer
Linda Hill	Executive Director, Community Services
Adam Cousins	Manager, Cultural and Community Development
Rani Param	Community Development Officer
Emily Hubble	Administrative Assistant, Community Services
<b>Apologies/Leave of Absence:</b>	
Ms Middy Dumper	Community Member
Ms Esme Justins	Community Member
Councillor Alan Hortin	Council Member

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

<b>ITEM 2.0: DRAFT COMMITTEE RESOLUTION</b>	<b>CARRIED 5-0</b>
<b>MOVED – MICHAEL CALTON</b>	
<b>SECOND – JOHN SLATTERY</b>	
<b>THE UNCONFIRMED MINUTES OF THE SENIORS COMMITTEE MEETING HELD ON 17 APRIL 2012 AS PREVIOUSLY DISTRIBUTED, BE CONFIRMED AS A TRUE AND ACCURATE RECORD OF PROCEEDINGS.</b>	

**3.0 DISCLOSURE OF INTEREST**

**4.0 ITEMS FOR DISCUSSION**

**4.1 SECRETARIAT CHANGES**

- AC informed the committee that RP will now be the new key contact for the Seniors Committee.

**4.2 DEPUTY CHAIR**

- AC advised that the Committee needs to elect a Deputy Chair. AC further advised that according to protocol, only an elected member can fill this position which is Cr Hortin. Given Cr Hortin's absence, it was agreed this item be deferred to the next meeting.

**4.3 COMMITTEE MEETING CYCLE – QUARTERLY TO MONTHLY**

- Cr Dufty informed Committee that motion was moved at last council meeting raised by himself that Seniors Committee remains monthly.

**4.4 NORTH ROAD PROJECT UPDATE (STANDING ITEM)**

- AC advised the Committee that Stephen Grimmer had stated that a Traffic Management study was budgeted for in the 12/13 budget. Future works would be carried out subject to the outcome of the report.

**4.5 SOUTH WEST ACTIVE AGEING RESEARCH PROJECT**

- JS spoke to this item, with a copy of the project report distributed to members by RP.
- JS advised that he has spoken to the consultant of the project in his capacity as a member of the Ministerial Advisory Committee for Seniors, as well as had discussions with select local government agencies who participated in the project.
- JS advised that he believes that this is an issue which needs to be planned for, and is work he would like to see occur in the Great Southern region, if it hasn't already happened.
- JS further advised that the Great Southern Development Commission (GSDC) would be a logical organisation to undertake the work in this region, or had perhaps already done similar work in the past.
- JS questioned FJ if this work would be something that the City would support. FJ advised it wouldn't be something the City would lead but would be happy to approach GSDC to ascertain whether the Commission had plans to do similar work in this region.

**ACTION:** JS to approach GSDC with the plan to implement a similar project.

**ACTION:** CEO to write to GSDC to ascertain whether the Commission had undertaken or had plans to undertake a similar project.

**4.6 TERTIARY INSTITUTIONS IN ALBANY**

- JS has spoken with the UWA former Deputy Vice Chancellor, about the possibility of Albany being the location of a future Faculty of Gerontology based at the UWA Albany Campus.
- FJ advised she has a meeting planned with Minister McSweeney, and was prepared to raise it with her if the Committee thought it would be of use.

**4.7 MOUNT MELVILLE CAR PARK**

- AC advised the committee that SG had assessed the site and a work request has been issued.



**5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETING**

- 5.1 South West Active Research Project
- 5.2 Local Planning Scheme – Point of View from Seniors
- 5.3 Public Transport – Seniors Accessibility
- 5.4 Seniors Expo
- 5.5 Liveable Housing Design Guidelines

**6.0 GENERAL DISCUSSION**

**6.1 DINE4DEMENTIA**

RP advised regarding the upcoming Dine4Dementia Mini Expo and Community Lunch, 28 June 2012 being hosted by the City, in partnership with Alzheimer's WA. RP advised that Committee Members are encouraged to attend this expo as a show of support, and there will be opportunities for Members to have a role in opening the event. RP to brief the Committee at the next meeting.

**6.2 MEDIA RELEASE – SENIORS COMMITTEE**

- AC advised he had contacted Media regarding the distribution of a media release once all new committees of council were formed. Media have advised it is unlikely that the Committee would get a solo release, but the Committee has been added to the City's website.
- FJ suggested adding the contact of the Chair of each of the Committees to the Community Information page.

**6.3 RENT INCREASE OF HALL HIRE**

DM mentioned the impact of the increase of rent on the hall hire for seniors events held at certain venues. FJ informed the Committee that a review of the City's Leasing policy would take place at the end of May for presentation to the Audit and Finance Committee.

**6.4 SENIORS EXPO**

DM raised the question of whether or not there would be an upcoming seniors expo. LH advised that this event relies on corporate sponsorship which has been difficult to secure. Hence the City decided not to proceed with the Expo and revisit the issue at a later date. The concept of various seniors' groups collaborating to deliver an Expo, possibly around salient dates such as Seniors Week and Have-a-go day was discussed as an alternative.

**7.0 DATE OF NEXT MEETING:**

19 JUNE 2012

**8.0 CLOSURE OF MEETING**

CONFIRMED: CHAIRPERSON



DATE: 21 / 8 / 12

**2.1: PLANNING AND DEVELOPMENT COMMITTEE**

**Proponent** : City of Albany  
**Responsible Officer(s)** : Executive Director Planning and Development Services

**ITEM 2.1: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR DOWLING**

**THAT the minutes of the Planning and Development Committee meeting held on 26 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**



**PLANNING AND DEVELOPMENT COMMITTEE**

**MINUTES**

for the meeting held on Tuesday 26 June 2012,  
in the Margaret Coates Boardroom, City Office, North Road, Albany

**(File Ref: FM.MEE.1 / AM1224779)**

**1.0 ATTENDANCE**

<b>Councillors:</b>	
D Wellington	Mayor
G Stocks ( <b>Acting Chair</b> )	Councillor
R Sutton	Councillor
S Bowles	Councillor
C Holden	Councillor - Observer
<b>Committee Members:</b>	
<b>Staff:</b>	
Executive Director Planning and Development Services	D Putland
PA to Executive Director Planning and Development Services.	J Cobbold
Manager Planning Services	S Lenton
Senior Planning Officer	J Van Der Mescht
Senior Planning Officer	T Wenbourne
Planning Officer	C McMurtrie
<b>Guest</b>	
	D Bassejou
	Barry Panizza
<b>Apologies/Leave of Absence:</b>	
D Dufty	Councillor
R Hammond	Councillor
Faileen James	Chief Executive Officer
Rod Harris	Member

**2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RECOMMENDATION:**

**MOVED: MAYOR WELLINGTON  
SECONDED: CR BOWLES**

**THAT the unconfirmed minutes of the Planning and Development Committee Meeting, held on 22 May 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**Carried:4-0**

**3.0 DISCLOSURE OF INTEREST - NIL**

**4.0 ITEMS FOR DISCUSSION**

**4.1 Councillor Bowles requested information regarding Public Open Space/Cash In Lieu of Public Open Space from a State Government and Local Government perspective.**

**ITEM 4.1: RECOMMENDATION**

**Adrian Nichols is in the process of writing an Open Space Strategy and will present at next meeting.**

**4.2 Development Application – Single House Lot 478 (No15) Berliner Street, Bayonet Head**

**ITEM 4.2: OFFICER RECOMMENDATION SUPPORTED**

**MOVED:MAYOR WELLINGTON  
SECONDED: CR SUTTON**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a Single House at Lot 478 (15) Berliner Street, Bayonet Head subject to the following conditions:**

- a) **Development shall be carried out in accordance with the approved plans, including any details and/or amendments marked in red.**
- b) **Stormwater disposal shall be designed and installed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.**
- c) **The new crossover shall be constructed to the City of Albany specifications, levels and satisfaction in accordance with the 'City of Albany's Subdivision and Development Guidelines'. A 'Permit' from the City of Albany is required prior to any work being carried out within the road reserve.**
- d) **The windows in the west elevation shall be maintained with obscure glazing to a minimum height of 1.65m above internal floor level to the satisfaction of the City of Albany.**

**CARRIED: 4-0**

**4.3 Development Application – Tourist Accommodation – 35 Karrakatta Road, Goode Beach**

**ITEM 4.3: OFFICER RECOMMENDATION SUPPORTED**

**MOVED: CR SUTTON**

**SECONDED: MAYOR WELLINGTON**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a 'Tourist Accommodation' at 35 Karrakatta Road, Goode Beach subject to the following conditions:**

**Conditions to be complied with prior to the commencement of the use**

1. Prior to the commencement of the land use hereby approved, the building shall be insulated to prevent the emission of sound above the level normally expected in a residential area, so as to avoid nuisance, and to ensure compliance with the Environmental Protection (Noise) Regulations 1997, and maintained in perpetuity to the satisfaction of the City of Albany.
2. The management plan shall be updated to include the following to the satisfaction of the City of Albany;
  - i. Contact details of a nominated local caretaker
  - ii. A clear statement that only the parking bays provided shall be used and parking on the street is not permitted.
  - iii. A Statement requiring all visitors to at all times respect the privacy of the adjoining residential properties and that the Caretaker should be contacted for any onsite assistance.

**Conditions of an ongoing nature:**

3. The Tourist accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any calendar year.
4. The operator or manager of the premises hereby approved for holiday accommodation are to provide and maintain a register of all people who utilise the holiday accommodation during the year to the satisfaction of the City of Albany. A receipt book must be kept.
5. No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.
6. A minimum of 2 parking spaces shall be provided to the satisfaction of the City of Albany and maintained in good repair thereafter no parking on the street is permitted.
7. The holiday/tourist accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
8. The maximum number of persons residing in the holiday/tourist accommodation shall be restricted to 6 at any one time, exclusive of the owner/operator.

9. The operation of the holiday/tourist accommodation shall be in accordance with an approved management plan, which shall be reviewed and updated at the time of any change of ownership or management.

**ADVICE TO THE APPLICANT:**

It is recommended that an Acoustic Consultant be engaged in the sound proofing design aspect before any work is carried out.

Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of local planning schemes and/or may result cancellation of a registration.

All development is required to comply with the Building Regulations and the Building Code of Australia; particular regard should be paid to those matters outlined on the attached 'Preliminary Building Assessment';

Development is required to comply with all relevant Health regulations, particular regard should be paid to those matters outlined on the attached 'Environmental and Health Conditions'.

Please be advised that this approval is for a formal change of use from permanent residential to short stay holiday/tourist accommodation. If you would like to revert back to the permanent residential use after use as short stay holiday/tourist accommodation has commenced, Planning Scheme Consent will be required from the City of Albany.

**CARRIED: 4-0**

**4.4 Development Application – Demolition – (Single House listed on Municipal Heritage Inventory) – Lot 49 (45) Seymour Street, Mira Mar**

**ITEM 4.4 OFFICER RECOMMENDATION SUPPORTED**

**THE MAYOR WILL PUT FORWARD AN ALTERNATE MOTION -**

**Lay on the Table until Council receives plans for redevelopment**

**MOVED: CR SUTTON**

**SECONDED: CR BOWLES**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Refusal for Demolition - (Single House listed on Municipal Heritage Inventory) at lot 49 (45) Seymour Street, Mira Mar as:**

- a) **The proposal does not comply with the requirements for the 'Demolition of Heritage Buildings' contained within Councils Local Planning Policy 2H – *Heritage Protection*.**
- b) **The development does not satisfy Town Planning Scheme No.1A, section 7.8A (Matters to be Considered by Council) Part (k) with regard to "*the cultural significance of any place or area affected by the development*" as the proposal would result in the loss of building that has cultural heritage significance.**
- c) **The development does not satisfy Town Planning Scheme No.1A, section 7.8A (Matters to be Considered by Council) Part (n) with regard to "*the preservation of the amenity of the locality*", as the proposal will have a detrimental impact on the amenity of the locality and on the streetscape.**

**CARRIED:4-0**

**4.5 Development Application – Change of Use – Tavern Lot 119 (No 1309)  
Lower Denmark Road, Elleker**

**ITEM 4.5: OFFICER RECOMMENDATION 2 SUPPORTED**

**MOVED: CR BOWLES  
SECONDED: CR SUTTON**

**RECOMMENDATION 1:**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a Tavern at Lot 119 (1309) Lower Denmark Road, Elleker subject to the following conditions after the Department of Racing, Gaming and Liquor issues a tavern liquor licence:**

- a) The tavern must always be set up and presented for dining.
- b) Tables can't be removed or shifted in order to create dance floors.
- c) The kitchen must be open and operating at all times liquor is available and the regular full menu must be available at all times.
- d) Liquor may only be consumed by patrons seated at a dining table.
- e) Liquor for consumption on the premises shall be by table service only by staff, there shall not be bar service.

**RECOMMENDATION 2:**

**THAT Council AUTHORISES the Executive Director of Planning and Development Services to ISSUE a Section 40 Certificate indicating that a Tavern is supported and planning scheme consent will be issued once a liquor licence is granted subject to the conditions above in Recommendation 1.**

**CARRIED: 4-0**

**4.6 Local Planning Scheme Policy – Special Residential Area No 11 (Lots 104 and 105 Willyung Road)**

**Presentation by Delma Bassejou and Barry Panizza. C McMurtrie answered Committee's questions.**

**ITEM 4.6: OFFICER RECOMMENDATION 1 SUPPORTED**

**MOVED: CR BOWLES  
SECONDED: MAYOR WELLINGTON**

**THAT Council adopts the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road), for the purpose of public advertising, subject to the following modifications:**

- i) Replacement of the words “7.5m from the front boundary” with “10m from street boundaries” in the “Development Envelope” notation on the subdivision guide plan;
- ii) Revision of the subdivision guide plan to illustrate 10m street setbacks on all lots, including the Greenwood Drive street setback on Lots 706, 716 and 828; and
- iii) Revision of the subdivision guide plan to illustrate a 15m street setback on the southern boundary of lot 701 (adjacent to Willyung Road).

**CARRIED:4-0**

**ITEM 4.6: COMMITTEE RECOMMENDATION 2**

**MOVED: CR SUTTON  
SECONDED: CR BOWLES**

**THAT – Manager of Planning draft a letter to consultants stating that they must supply all information with their initial applications, and CC the Developer.**

**CARRIED: 4-0**

**4.7 Final Adoption of Amendment – Locations 1609, 1828, 1947, 1990-1992, 2064, 2229 & 3102 Eden Road, Youngs Siding**

**ITEM: 4.7 RESOLUTION**

**MOVED: CR BOWLES  
SECONDED: MAYOR WELLINGTON**

**THAT Council:**

1. In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **FINALLY ADOPTS WITH MODIFICATIONS** Amendment No.309 to Town Planning Scheme No. 3 for the purpose of:
  - i. Deleting existing clause 3.1 dot point two and replacing it with the following;
 

*Caretaker's Accommodation (maximum floor area 150m2) to be located between the main residential house and the front gate, utilising shared access. In assessing applications and determining the location of Caretaker's Accommodation consideration is to be given to the objectives of the zone, clause 8.0 Vegetation and Habitat Protection, clause 11.0 Fire Protection and the aim to provide the greatest security and management benefit to the property and the peninsula.*
  - ii. Deleting existing clause 4.1 and replacing it with the following;
 

*The Development Area refers to the area within which all development on each lot (including sheds, water storage, low fuel areas and effluent disposal areas) must be confined and is not to exceed 1.0ha.*
  - iii. Modifying clause 4.4 to include reference to the EPA's Guidance statement No. 56 - Terrestrial Fauna Surveys for EIA in WA.
2. **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

**CARRIED: 4-0**



**4.8 Final Adoption of Amendment – Lots 50 & 51 Middleton Road, Mt Clarence**

<p><b>ITEM:4.8 RESOLUTION</b></p> <p><b>MOVED: CR SUTTON</b>  <b>SECONDED: MAYOR WELLINGTON</b></p> <p>In pursuance of section 75 of the <i>Planning and Development Act 2005</i> and <i>Regulation 17(2)</i> of the <i>Town Planning Regulations 1967</i> <b>FINALLY ADOPTS WITH MODIFICATIONS</b> Amendment No.178 to Town Planning Scheme No.1A for the purposes of:</p> <p>1) Designating Lots 50 &amp; 51 Middleton Road, Mt Clarence as a ‘Special additional use Site’ S47.</p> <p>2) Amending Appendix II – ‘Schedule of Special Sites’ to include the following:</p>					
	<b>CODE NO.</b>	<b>PARTICULARS OF LAND</b>	<b>BASE ZONE</b>	<b>ADDITIONAL USE</b>	<b>CONDITIONS</b>
S47	47	Lots 50 & 51 Middleton Road	Residential	Medical Clinic	<p>On site car parking to be Provided in accordance with Council’s car parking requirements.</p> <p>Car park shall be designed in such a way that access is restricted to Middleton Road.</p> <p>All Development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments</p>
<p>3) Amending the Scheme Maps accordingly.</p> <p style="text-align: right;"><b>CARRIED: 4-0</b></p>					

**5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS**

**6.0 GENERAL DISCUSSION**

6.1 Dale Putland thanked Simon Lenton for his help at the Committee Meetings.

**7.0 DATE OF NEXT MEETING:**

24<sup>th</sup> July 2012

**8.0 CLOSURE OF MEETING**

The Chair declared the meeting closed at 7.00 pm.

**2.2: PLANNING AND SERVICES REPORTS AUGUST 2012**

**Responsible Officer** : Executive Director Planning and Development  
Services (D Putland)  
**Attachment** : Planning and Services Reports August 2012

**IN BRIEF**

- Receive the contents of the Planning and Services Report for August 2012.

**ITEM 2.2: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**  
**SECONDED: COUNCILLOR BOWLES**

**THAT the Planning and Services Report for August 2012 be RECEIVED.**

**CARRIED 12-0**

**CITY OF ALBANY**

**REPORT**

To : His Worship the Mayor and Councillors  
From : Building Services Liaison Officer  
Subject : Building Activity – August 2012  
Date : 4<sup>th</sup> September 2012

---

1. In August 2012, sixty six (66) building permits were issued for building activity worth \$7,950,963, this included one (1) demolition licence and two (2) sign licences.

It is brought to Council's attention that these figures included one (1) building licence with details as follows:

Building licence #120299 for a clubhouse and swimming pool; estimated value \$1,983,000.

2. The two (2) attached graphs compare the current City activity with the past three (3) fiscal years. One compares the value of activity, while the other compares the number of dwelling units.
3. A breakdown of building activity into various categories is provided in the Building Construction Statistics form.
4. Attached are the details of the permits issued for August 2012, the second month of activity in the City of Albany for the financial year 2012/2013.



Druella McTavish  
Building Services Liaison Officer

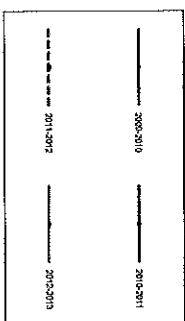
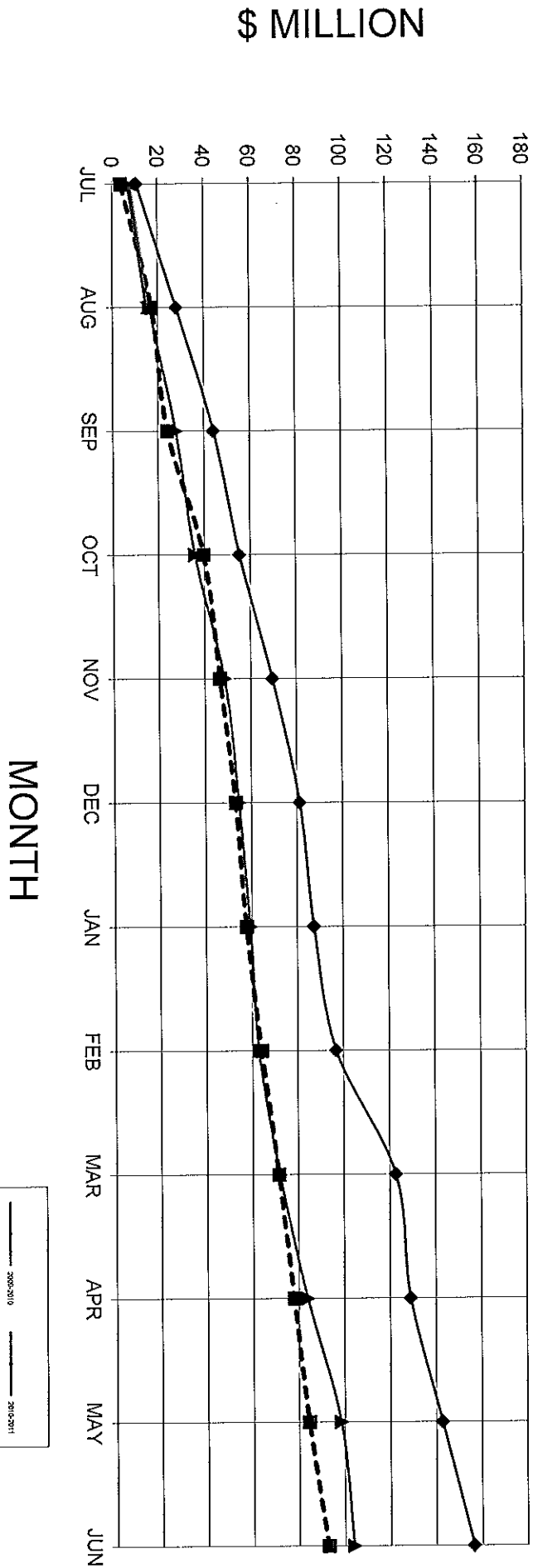
CITY OF ALBANY

BUILDING CONSTRUCTION STATISTICS FOR 2012 - 2013

2010/2011	SINGLE DWELLING		GROUP DWELLING		TOTAL	DOMESTIC/ OUTBUILDINGS		ADDITIONS/ DWELLINGS		HOTEL/ MOTEL		NEW COMMERCIAL		ADDITIONS/ COMMERCIAL		OTHER		TOTAL \$ VALUE
	No	\$ Value	No	\$ Value		No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	
JULY	22	4,930,929	7	1,540,000	29	6	88,932	27	626,539			1	47,755	5	182,000	3	55,000	7,471,155
AUGUST	14	3,147,178			14	21	398,741	19	508,776			2	3,183,000	3	505,000	7	208,268	7,950,963
SEPTEMBER																		0
OCTOBER																		0
NOVEMBER																		0
DECEMBER																		0
2011																		0
JANUARY																		0
FEBRUARY																		0
MARCH																		0
APRIL																		0
MAY																		0
JUNE																		0
TOTALS TO DATE	36	8,078,107	7	1,540,000	43	27	487,673	46	1,135,315	0	0	3	3,230,755	8	687,000	10	263,268	15,422,118

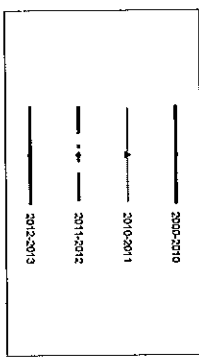
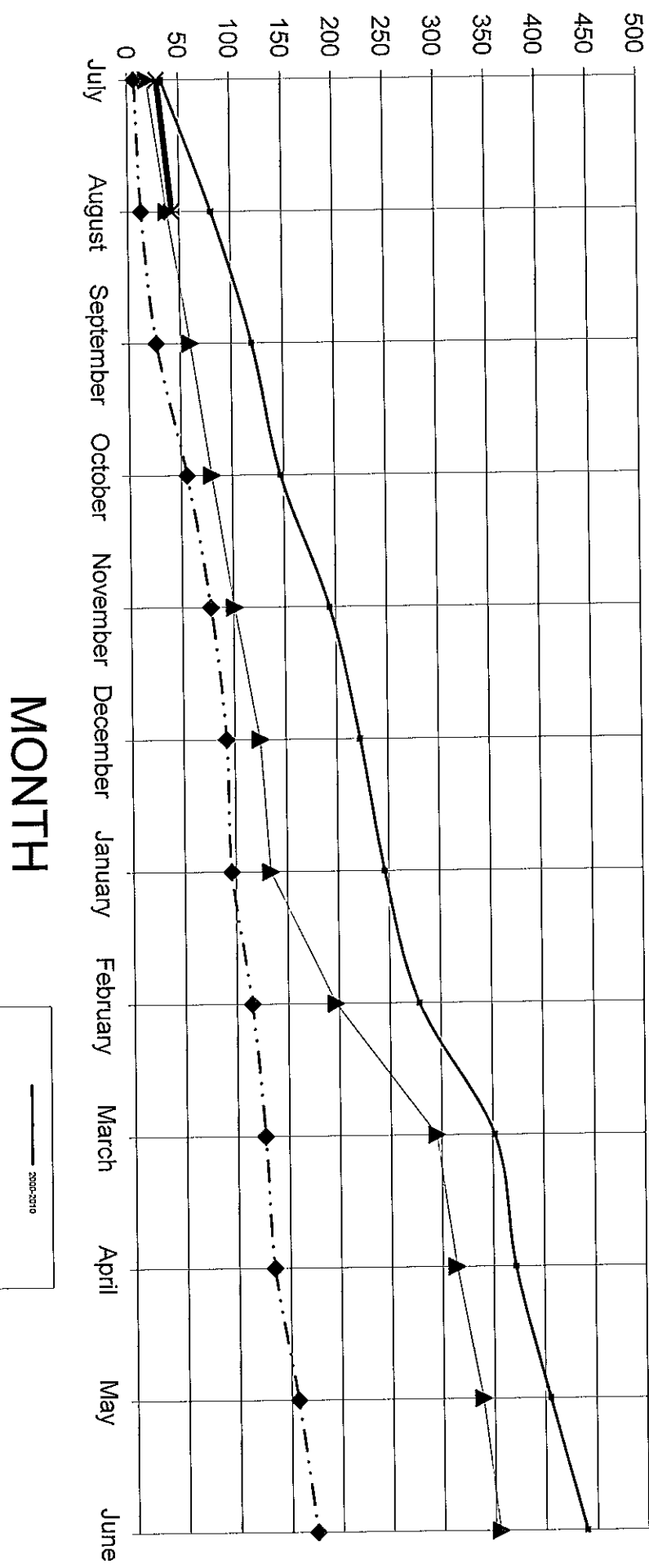
# BUILDING ACTIVITY

## \$M Value



# NUMBER OF UNITS

## DWELLING UNITS



**BUILDING, SIGN & DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY**

Applications determined for

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
300956	AGCRETE	Owner's Name and address not shown at their request	RETAINING WALL	8	Location SL131 lot 11	FINLAY STREET	ALBANY
302126	PETER BERENTE	Owner's Name and address	GAMES ROOM	23	lot 15	VIEW STREET	ALBANY
120258	ALBANY GLASS SUPPLIERS	not shown at their request WESTERN AUSTRALIA POLICE	SCAFFOLDING APPLICATION	184-210	Location RES 29419 Lot 300	STIRLING TERRACE	ALBANY
120027	RYDE BUILDING	Owner's Name and address	CHANGE OF CLASSIFICATION FROM CLASS1A TO 2X CLASS 2 BUILDING	76	lot 11	PROUDLOVE PARADE	ALBANY
120279	COMPANY PTY LTD RYDE BUILDING	not shown at their request J & D CANN	CERTIFICATE OF DESIGN COMPLIANCE	76	lot 11	PROUDLOVE PARADE	ALBANY
120249	COMPANY PTY LTD JEREMY SCOTT HOMES	B SHAVER	ADDITION - CERTIFIED	21	Location 371 Lot 33	YOKANUP ROAD	BAYONET HEAD
120253	OUTDOOR WORLD	Owner's Name and address not shown at their request	PATIO - UNCERTIFIED	6	Location 4790 Lot 602	ELIZABETH STREET	BAYONET HEAD
120256	ECOFIT HOMES	ALBANY LIFESTYLE VILLAGE PTY LTD	PARK HOME - SITE 31	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD
120257	ECOFIT HOMES	ALBANY LIFESTYLE VILLAGE PTY LTD	PARK HOME - SITE 55	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD
120272	ECOFIT HOMES	ALBANY LIFESTYLE VILLAGE PTY LTD	PARK HOME - SITE 41	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD
120273	ECOFIT HOMES	ALBANY LIFESTYLE VILLAGE PTY LTD	PARK HOME - SITE 29	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD
120289	OWNER BUILDER	JR HERBERT & L VOGT	SHED - UNCERTIFIED	35	Location 4790 Lot 629	WATERS ROAD	BAYONET HEAD

AGENDA ITEM 2.2 REFERS

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120271	OWNER BUILDER	BI NELSON	GARAGE - UNCERTIFIED	878	Lot 2	FRENCHMAN BAY ROAD	BIG GROVE
120238	D & A HOLLAND	HAWKINGS FAMILY TRUST	OCCUPANCY PERMIT	137	Lot 2	LOCKYER AVENUE	CENTENNIAL PARK
120240		PTY LTD J & G MANLEY	OCCUPANCY PERMIT	40-44	Lot 141	SANFORD ROAD	CENTENNIAL PARK
120286	R & E SCHLAGER	DP & TM JUIERS PTY LTD & SAIL INVESTMENTS	INTERNAL FITOUT - CERTIFIED	300	Lot 1	ALBANY HIGHWAY	CENTENNIAL PARK
120266	WISHART HOMES PTY LTD	L & B WISHART	NEW DWELLING - CERTIFIED	50	Lot 7	LION STREET	CENTENNIAL PARK
120296	BLUEWATER TANKS	C & A TRICHILO	SIGN	27A	Lot 1	GRAHAM STREET	CENTENNIAL PARK
120235	OUTDOOR WORLD	Owner's Name and address not shown at their request	PATIO - UNCERTIFIED	347	Lot 93	ULSTER ROAD	COLLINGWOOD
120237	RANBUILD GREAT	SG ELSE	SHED - UNCERTIFIED	158	Lot 38	COLLINGWOOD ROAD	HEIGHTS COLLINGWOOD
120182	J & J WELLS	J H & J T WELLS	RETAINING WALL & FENCE - UNCERTIFIED	4	Location 1379 Lot 150	BARRY COURT	PARK COLLINGWOOD
120260	SOUTHERN OWNER BUILDER	WALKER PADDON REAL ESTATE PTY LTD	DWELLING ADDITION GARAGE & DECKING - CERTIFIED	54	Location ALB	MERMAID AVENUE	EMU POINT
120287	LEEDER GREGORY	D & K COVENTRY	BRICK FENCE - UNCERTIFIED	23	TOWN Lot 1024 Location ALB	MERMAID AVENUE	EMU POINT
120242	OWNER BUILDER	M & R PONSFORD	ADDITION/ALTERATIONS TO DECK SEMI ENCLOSED	16	TOWN Lot 954 Location 2471 Lot 122	CALEDONIA CRESCENT	GOODE BEACH
120251	DUNKELD	CW ROBINS & PW ROBINS	PATIO - UNCERTIFIED SHED - UNCERTIFIED	264	Location 5752 Lot 1	MILLBROOK ROAD	GREEN VALLEY
120295	CONSTRUCTION PTY LTD NORMAN JOHN WALLIS	J & K SIMEON	SHED - UNCERTIFIED	1308	Location 2514 Lot 1	DEMPSTER ROAD	KALGAN



AGENDA ITEM 2.2 REFERS

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120226	RYDE BUILDING COMPANY PTY LTD	Owner's Name and address	SINGLE DWELLING - UNCERTIFIED	18	Lot 205	ELARAY WAY	LANGSE
120221	M/D PHILIP	not shown at their request E M MARSDEN	SHED & PATIO UNCERTIFIED	7	Lot 220	ELARAY WAY	LANGSE
120074		ST IVES VILLAGES PTY LTD	CLUBHOUSE/POOL BUILDING - CERT OF DESIGN	21	Lot 1000	BROOKS GARDEN	LANGSE
120299	WA COUNTRY BUILDERS PTY LTD	ST IVES VILLAGES PTY LTD	COMP. CLUBROOMS / SWIMMING	21	Lot 1000	BOULEVARD BROOKS GARDEN	LANGSE
120259	PTV LTD OWNER BUILDER	AM SHANKS	POOL - CERTIFIED DEMOLITION PERMIT	538	Location 24 Lot 6	BOULEVARD FRENCHMAN BAY ROAD	LITTLE GROVE
120218	FORMATION HOMES PTY LTD	J L O'CONNELL	DWELLING - UNCERTIFIED	1	Lot 232	FINCH COURT	LITTLE GROVE
120281	OWNER BUILDER	DG THOMAS	SHED - UNCERTIFIED	135	Location 24 Lot 20	BAY VIEW DRIVE	LITTLE GROVE
120233	TURPS STEEL FABRICATIONS	B & C GREEN	SHED - UNCERTIFIED	5	Location 520 Lot 209	HERBERT STREET	LOWER KING
120245	WA COUNTRY BUILDERS PTY LTD	JD HENDERSON & TJ KNAPP	NEW DWELLING - UNCERTIFIED		Lot 24	MORILLA ROAD	LOWER KING
120247	JR GOMM	G & G CASTLEHOW	ALTERATIONS & ADDITION - UNCERTIFIED	81	Location 7 Lot 405	THE ESPLANADE	LOWER KING
120290	METROOF ALBANY	D & C MCGLADE	PATIO - UNCERTIFIED	35	Location 50 Lot 50	BUSHBY ROAD	LOWER KING
120293	RANBUILD GREAT	R & K HARKEN	SHED - UNCERTIFIED	71	Location 7 Lot 84	ELIZABETH STREET	LOWER KING
301310	SOUTHERN TO BE ADVISED	W A & C A WINCHESTER	UNAPPROVED STRUCTURES - STABLES OUTBUILDING & STORE ROOM	108	Location 3713	GILGE ROAD	LOWLANDS

AGENDA ITEM 2.2 REFERS

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120197	WREN (WA) PTY LTD	JENNIFER ROSEMARY LUCAS	DWELLING - UNCERTIFIED	197	Location 6677	PELLEFFER ROAD	MANYPEAKS
120179	Plug Hendrik	C & S L PLUG	SHED - UNCERTIFIED	190	Lot 174	LOWANNA DRIVE	MARBELLUP
120246	FORMATION HOMES PTY LTD	LAKESSIDE NORTH PTY LTD	DWELLING - UNCERTIFIED	20	Location 381 Lot 666	KITCHER PARADE	MCKAIL
120269	KOSTERS STEEL	D & I SHELTON	PATIO - UNCERTIFIED	12	Location 80 Lot 646	CRISPE WAY	MCKAIL
301800	CONSTRUCTION PTY LTD OWNER BUILDER	D J SWARBRICK	SHED AND PATIO	32	Location 381 Lot 691	O'KEEFE PARADE	MCKAIL
120270	KOSTERS STEEL	G & M RENDELL	PATIO - UNCERTIFIED	11	Location 492 Lot 329	COMET CORNER	MCKAIL
120280	CONSTRUCTION PTY LTD OUTDOOR WORLD	Owner's Name and address	PATIO - UNCERTIFIED	183	Location 399 Lot 601	FLEMINGTON STREET	MCKAIL
120206	ALBANY ELITE EARTHMOVING	CA & R P COX	RETAINING WALL - UNCERTIFIED	8	Lot 885	MIDDLETON ROAD	MIDDLETON BEACH
120241	AR & DA DOCKING	CITY OF ALBANY (VESTED	ADDITION ALTERATION RETAINING WALL SHOP -	2	Location RES 26149 Lot 651	FLINDERS PARADE	MIDDLETON BEACH
302119	R & DG CEKEREVAC	CROWN LAND) Owner's Name and address	CERTIFIED FACTORY OFFICE	157	Location 379 Lot 5	CHESTER PASS ROAD	MILLPARA
120231	EVERITE SIGNS	not shown at their request JR RYAN & JD PECH	EXTENSION SIGN	173	Location 379 Lot 1	CHESTER PASS ROAD	MILLPARA
120220	OWNER BUILDER	J & A E DEMAN	PROPOSED AWNING TO EXISTING SHED -	34	Location 240 Lot 50	COOGEE STREET	MILLPARA
120298	RANBUILD GREAT	JD DERBY & LJ YATES	UNCERTIFIED GARAGE - UNCERTIFIED	5	Location 44 Lot 1	BERSFORD STREET	MIRA MAR
120243	SOUTHERN MD PHILIP	W & F GOFF	PATIO - UNCERTIFIED	342	Lot 11	SERPENTINE ROAD	MT MELVILLE
120248	OWNER BUILDER	HOUSING AUTHORITY	SHED - UNCERTIFIED	32	Location 220 Lot 101	MCKAIL STREET	ORANA

AGENDA ITEM 2.2 REFERS

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120262	OWNER BUILDER	C & S FORD	CARPOR - UNCERTIFIED	79	Lot 256	KATOOMBA STREET	ORANA
120263	KOSTERS STEEL	LIA DEEGAN	SHED - UNCERTIFIED	80	Lot 305	REDMOND-HAY RIVER ROAD	REDMOND
	CONSTRUCTION PTY LTD						
120275	MICHAEL CRAMER	IL BANNER	VERANDA - UNCERTIFIED	162	Location 33 Lot 35	FRENCHMAN BAY ROAD	ROBINSON
120193	MATTHEW POCOCK	REPARTO HOLDINGS PTY LTD	DWELLING - UNCERTIFIED	35B	Lot 4	HILLMAN STREET	SPENCER PARK
120194	MATTHEW POCOCK	REPARTO HOLDINGS PTY LTD	DWELLING - UNCERTIFIED	33B	Lot 3	HILLMAN STREET	SPENCER PARK
120239	OUTDOOR WORLD	N & G SIMMONDS	PATIO - UNCERTIFIED	24	Lot 64	PARK ROAD	SPENCER PARK
120265	MD PHILIP	ALBANY LIONS COMMUNITY	GARAGE - UNCERTIFIED	73	Lot 1456	HARDIE ROAD	SPENCER PARK
		CARE CENTRE (WA)					
120291	Puls Graeme & Cheryl	SOUTHERN ABORIGINAL CORPORATION	PATIO - UNCERTIFIED	87	Location 42 Lot 53	HILLMAN STREET	SPENCER PARK
120254	OUTDOOR WORLD	Owner's Name and address	PATIO - UNCERTIFIED	123	Location 402 Lot 13	NEWBOLD ROAD	TORBAY
		not shown at their request					
120264	OWNER BUILDER	BW DIXON & WE DIXON	SHED - UNCERTIFIED	49274	Location 2448	SOUTH COAST HIGHWAY	TORBAY
120302	OWNER BUILDER	AD SEARS	SHED - UNCERTIFIED	65-69	Location 385 Lot 24	KOOYONG AVENUE	RRENUP
120219	HARM LODEWIJK TEN HAAF	H L & J TEN HAAF	SOLID ANNEX	795	Location 245 Lot 4	CHESTER PASS ROAD	WILLYUNG
120261	PULS PATIOS	A & J DOWSON	SHED - UNCERTIFIED	491	Location 474 Lot 401	SUSAN COURT	YAKAMIA
120288	KOSTERS STEEL	LA THART	SHED - UNCERTIFIED	76	Location 356 Lot 180	LEONORA STREET	YAKAMIA
	CONSTRUCTION PTY LTD						

AGENDA ITEM 2.2 REFERS

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120278	RYDE BUILDING	Owner's Name and address	NEW DWELLING -	5	Location 243 Lot	GREVILLEA WAY	YAKAMIA
120177	COMPANY PTY LTD HERITAGE CARPENTRY & MAINTENANCE SERVICES	not shown at their request HOUSING AUTHORITY	UNCERTIFIED PATIO - UNCERTIFIED	737 24-26	Location 356 Lot 31	BUTTS ROAD	YAKAMIA
120163	MAXWELL MICHAEL	MI & M P MICHAEL	UNCERTIFIED SOLOR PANELS -	14	Lot 37	IMASKILL PLACE	ALBANY
120244		THE ALBANY LINK PTY LTD	UNCERTIFIED OCCUPANCY PERMIT	U4/5	Lot 5	SAINT EMILIE WAY	ALBANY

**CITY OF ALBANY**

**REPORT**

To : His Worship the Mayor and Councillors  
From : Administration Officer - Planning  
Subject : Planning Scheme Consents – August 2012  
Date : 3 August 2012

---

1. The attached report shows Planning Scheme Consents issued under delegation by a planning officer for the month of August 2012.
2. Within the period there was a total of thirty five (35) decisions made on active Planning Scheme Consents ;
  - Twenty nine (29) Planning Scheme Consents were approved under delegated authority;
  - Four (4) Planning Scheme Consents were approved;
  - One (1) Planning Scheme Consent was cancelled; and
  - One (1) Planning Scheme Consent was refused.

---

**Jessica Davidson**  
Administration Officer – Planning

## PLANNING SCHEME CONSENTS ISSUED UNDER DELEGATED AUTHORITY

Applications determined for August 2012.

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2120126	21/06/2012	MP Michael	Maskill Place	Albany	Single House - Additions (Ground Mounted Solar Panels)	Delegate Approved	6/08/2012	Tom Wenbourne
P2120163	31/07/2012	H&H Architects	Aberdeen Street	Albany	Change Of Use - Professional Office	Delegate Approved	23/08/2012	Tom Wenbourne
P2120176	10/08/2012	Tricoast Civil	Festing Street	Albany	Development - Retaining Wall and Earthworks in Excess of 600mm	Delegate Approved	15/08/2012	Adrian Nicoll
P2120111	8/06/2012	Formworks Architecture	Bayonet Head Road	Bayonet Head	Shop - Signage	Approved	21/08/2012	Deb Delury
P2120145	16/07/2012	PD & EJ Mitchell	Grenfell Drive	Bayonet Head	Single House - Additions (Setback Relaxation)	Delegate Approved	10/08/2012	Deb Delury
P2120114	11/06/2012	City of Albany	Lockyer Avenue	Centennial Park	Drainage Infrastructure Development (Living Stream)	Approved	21/08/2012	Deb Delury
P2120157	25/07/2012	D'Agostino & Luff Architects	Chevalier Street	Centennial Park	Warehouse/Service Industry - Alterations And Additions	Delegate Approved	6/08/2012	Adrian Nicoll
P2120168	7/08/2012	Southern Edge Arts Inc	Sanford Road	Centennial Park	Development (Sea Container - Storage of Recreation Equipment)	Cancelled	28/08/2012	Deb Delury
P2120172	9/08/2012	H Peak	Monck Way	Centennial Park	Service Industry (Water Tanks Pumps and Accessories)	Delegate Approved	16/08/2012	Adrian Nicoll
P2120146	17/07/2012	Albany Property Brokers	Barry Court	Collingwood Park	Development - Earthworks In Excess Of 600mm (Retaining Walls)	Delegate Approved	13/08/2012	Craig McMurtrie
P2120190	27/08/2012	Torbay Catchment Group	Lower Denmark Road	Elleker	Car Park - Upgrade (Including Horse Floats)	Delegate Approved	31/08/2012	Taylor Gunn
P2120182	15/08/2012	Concept Building Design And Drafting	Miller Street	Emu Point	Single House - Additions (Detached Games Room)	Delegate Approved	23/08/2012	Jessica Anderson
P2120174	9/08/2012	GJ Brenton	Balston Road	Gledhow	Single House - Addition (Relaxation of Scheme Provisions)	Delegate Approved	30/08/2012	Deb Delury
P2120120	18/06/2012	Benson Design	Fynd Street	Goode Beach	Single House - Design Codes Relaxation	Delegate Approved	23/08/2012	Taylor Gunn
P2120138	6/07/2012	CR Myson	La Perouse Road	Goode Beach	Single House (Design Codes Relaxation)	Delegate Approved	9/08/2012	Tom Wenbourne
P2120167	6/08/2012	KJ & YK Hornsey	Chester Pass Road	King River	Industry - Rural (Agricultural Machinery Repairs)	Delegate Approved	17/08/2012	Adrian Nicoll
P2120179	15/08/2012	TPG Town Planning And Urban Design	Chester Pass Road	Lange	Bulky Goods Outlet and Change of Use - Warehouse	Delegate Approved	31/08/2012	Taylor Gunn

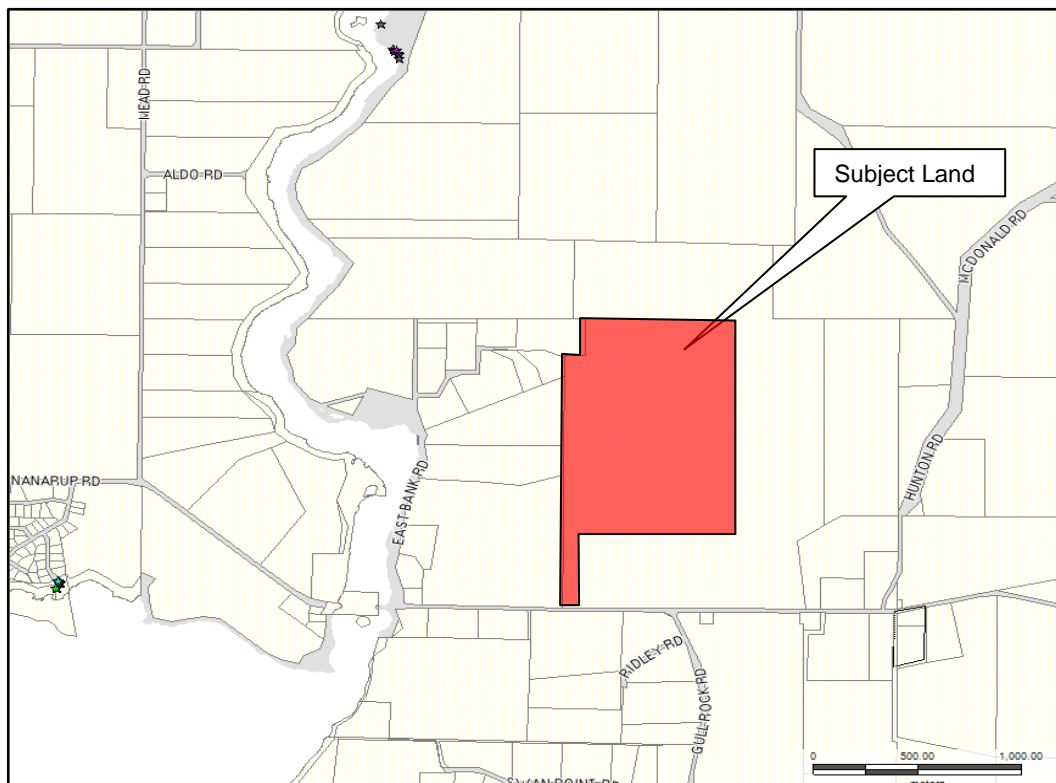
AGENDA ITEM 2.2 REFERS

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2120156	23/07/2012	NH Bray	Prideaux Road	Lower King	Single House - Outbuilding	Delegate Approved	10/08/2012	Tom Wenbourne
P2120175	9/08/2012	WA Country Builders	Morilla Road	Lower King	Single House	Delegate Approved	20/08/2012	Tom Wenbourne
P2120039	8/03/2012	SL Plant	Lowanna Drive	Marbelup	Livestock Grazing and Stables	Delegate Approved	24/08/2012	Taylor Gunn
P2120149	18/07/2012	C Plug	Lowanna Drive	Marbelup	Single House - Outbuilding	Delegate Approved	13/08/2012	Tom Wenbourne
P2120112	8/06/2012	WA Country Builders	Albany Highway	McKail	Single House - DCR - Side setback	Delegate Approved	28/08/2012	Taylor Gunn
P2120158	26/07/2012	AJ Penson	Bylund Place	McKail	Single House - Outbuilding (Side Setback Relaxation)	Refused	14/08/2012	Tom Wenbourne
P2120159	26/07/2012	P Roloff	Webb Street	McKail	Single House - Outbuilding (Side Setback Relaxation)	Delegate Approved	13/08/2012	Adrian Nicoll
P2120129	25/06/2012	JG Smith	Silverstar Court	Millbrook	Single House - Outbuilding	Approved	22/08/2012	Adrian Nicoll
P2120164	3/08/2012	J Deman	Coogee Street	Milpara	Single House - Outbuilding Addition (Policy Relaxation - Wall Height)	Delegate Approved	9/08/2012	Deb Delury
P2120165	3/08/2012	BM Dunkeld	Chester Pass Road	Milpara	Light Industry and Office - Additions (Shed Extension)	Delegate Approved	31/08/2012	Deb Delury
P2120073	10/04/2012	NJ Oehmen	Anzac Road	Mira Mar	Development (earthworks in excess of 600mm)	Delegate Approved	1/08/2012	Tom Wenbourne
P2120140	9/07/2012	Powerhouse Architectural Drafting	Sleeman Avenue	Mira Mar	Single House (Design Codes Relaxation) - Overheight; Front Setback; Open Space	Delegate Approved	15/08/2012	Adrian Nicoll
P2120115	13/06/2012	S D Thompson	Hare Street	Mt Clarence	Home Business (Town Planning Consultant)	Delegate Approved	3/08/2012	Tom Wenbourne
P2120173	9/08/2012	The Vegie Shop	Lower Denmark Road	Mt Elphinstone	Warehouse Sales Outlet	Delegate Approved	30/08/2012	Tom Wenbourne
P2115256	7/12/2011	H&H Architects	Albany Highway	Orana	Shop(s) Liquor Store and Restaurant(s)	Approved	14/08/2012	Adrian Nicoll
P2120162	30/07/2012	BJ Smith & JM Cullam	Brunswick Road	Port Albany	Single House (Retaining Wall)	Delegate Approved	8/08/2012	Adrian Nicoll
P2120150	18/07/2012	Kartell Contracting	Hardie Road	Spencer Park	Institutional Home (Community Respite Facility - Outbuilding)	Delegate Approved	9/08/2012	Jan Van Der Mescht
P2120154	20/07/2012	RP & G Trott	Mears Road	Yakamia	Single House and Outbuilding - Front and Side Setback Relaxation	Delegate Approved	3/08/2012	Jessica Anderson

**2.3: FINAL ADOPTION OF AMENDMENT – PT LOT 50 NANARUP ROAD, KALGAN**

- Land Description** : Portion of Lot 50 Nanarup Road, Kalgan  
**Proponent** : Ayton Baesjou Planning  
**Owner** : Erujin Pty Ltd  
**Business Entity Name** : Erujin Pty Ltd  
**Directors** : Melva Mary Armstrong, Robert Frederick Armstrong and Eva Pascoe  
**Attachment(s)** : Schedule of submissions  
: Submission  
**Councillor Workstation** : Copy of OCM 19/01/10 (SAR145)  
: AMD 303 - Scheme Amendment document that includes;  
: Visual Impact Assessment  
: Land Capability and Geotechnical Assessment  
: Flora and Vegetation Survey  
: Fire Management Plan  
**Responsible Officer(s)** : Executive Director of Planning and Development Services (D Putland)

**Maps and Diagrams:**





**IN BRIEF**

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed scheme amendment to rezone a portion of Lot 50 Nanarup Road, Kalgan from the 'Rural' zone to the 'Special Residential' zone.

**ITEM 2.3: ALTERNATE MOTION BY COUNCILLOR BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOSTOCK  
SECONDED: COUNCILLOR BOWLES**

**THAT Council does NOT support the Responsible Officer Recommendation to finally adopt Amendment No. 303 to Town Planning Scheme No. 3.**

**LOST 5-7**

**Councillor's Reason:**

The two most important aspects for consideration when deciding on planning approvals are:

1. Is there a demonstrated need for the proposed development; and
2. Would the development result in a conflict with existing uses.

The proposed rezoning of Candyup does not meet either of the above requirements for the following reasons:

- a. There are literally hundreds of special residential subdivisions already on the market or approved by Council, with sales being extremely sluggish at present. Adding a further 200 plus blocks will simply drive the price down to levels at which further development will be unprofitable, doing a grave disservice to developers who have spent considerable sums to bring their properties to the market, quite possible resulting in financial hardship to individuals who we have led to believe that Council would take a responsible attitude to balancing supply and demand.  
It has been suggested that it is not Council's role to decide what is financially viable, but, as stated already, planning policies demand that the authorities take a view on what is likely to be required when making decisions of this nature because it is in a unique position to see the situation in a far wider context that is possible for individual developers.
- b. There are many reasons why the proposal fails to meet the second planning imperative, these being in summary:
  - The land is zoned as rural in TPS 1 which is currently out for public comment and this zoning is supported by the Department of Agriculture which has stated that it is well suited to intensive agriculture;
  - Numerous comments by the local residents have made their opposition to the rezoning clear, at least in its present form and if Council ignores this opposition it will reinforce the widely held belief that the local authority is uninterested in the views of the people, and is simply paying lip service to the results of advertising the proposal; and
  - Support for the statement that the proposal is compliant with the provisions of ALPS is not clear from the information provided in the agenda, although further details are awaited from our planners prior to the OCM.

In conclusion, I believe this application to be unsound and request that it be rejected.

**Officer's Comment (Executive Director Planning and Development Services):**

The Albany Local Planning Strategy (ALPS) was prepared to guide future growth and development of the City of Albany. To this end, it identifies areas of land that Council considers may be suitable for development over the next 20 years to allow more intensive land uses in the medium to longer term, including areas proposed for residential and industrial use.

The area of land known as Candyup is identified in the ALPS as an area that can be considered for special residential development subject to it being approved through a formal rezoning process by the City, Western Australian Planning Commission (WAPC) and Minister for Planning. Council initiated the formal process to commence Amendment 303 and rezone this land from rural to special residential in December 2011. In doing so, Council identified that this land might be considered for more intensive development in the shorter term, rather than in the longer.

Council is required to undertake formal rezoning processes of the relevant, gazetted Local Planning Scheme if it wishes to consider rezoning of any land. If Council resolves to initiate an amendment to rezone land, the amendment and supporting documentation is forwarded to the WAPC for its determination and recommendation to the Minister for Planning who finally determines if the land is to be rezoned. It is not possible to pre-empt this process through inclusion of the land as "special residential" in the draft LPS1. However, if Amendment 303 proceeds to finalization, LPS1 will be amended accordingly.

It has been noted by planning staff that there has been opposition from local residents to the inclusion of this land in ALPS and the proposed rezoning. While the majority of concerns relate to the density and scale of the development, and its impacts on the local environment and community, concerns have also been raised by the community and State Government agencies over the capability of the site to support this scale of development.

Council have previously expressed support for more intensive uses for this land through its inclusion in ALPS and initiation of the current amendment. Therefore, planning staff recommend that Council finally adopts Amendment 303, requiring that more detailed studies are undertaken to determine actual land capability and ensure that impacts on the community and environment can be minimised and addressed prior to subdivision occurring.

**Councillor Attwell withdrew her Alternate Motion.**

ITEM 2.3: ALTERNATE MOTION BY COUNCILLOR ATTWELL  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council lay this item on the table subject to seeking approval from the Western Australian Planning Commission for an extension of time to allow considerations of, and response to, submissions from Agencies and the public on the proposed Scheme Amendment 303 to rezone a portion of Lot 50 Nanarup Road, Kalgan from the 'Rural' zone to the 'Special Residential' zone.

**Councillor's Reason:**

We are considering the final adoption of an amendment to approve the rezoning from 'Rural' to 'Special Residential'.

Before development can begin the land needs to be appropriately zoned. City of Albany initiated a SAR (Scheme Amendment Request) in December 2011. From that decision, Council is required to advertise, for six weeks, the proposed scheme amendment. The Planning Act allows a period of 42 days from the end of public consultation to make its final determination on the amendment. We are already at the 82 days tonight.

At the conclusion of the advertising period, the City has received extensive and involved submissions. It is right that we should take notice of these submissions and give due consideration to the merits of those issues raised. It is equally important that we understand the process of land development and the process that is required to be taken should we give approval to rezone.

This proposed zoning amendment has created confusion and angst for many people and I do not feel that we are at a stage that we have satisfactorily understood all of the implications. The proponent and the public have a right to have their position clearly explained and understood.

I am not happy with the present recommendation as I believe that we are imposing requirements that ask for a Subdivision Guide Plan to the level not normal for a rezoning application. However, I understand the need to incorporate modifications to clearly give the proponent guidance as to what is required, should they wish to proceed to the next stage.

We need the approval of the WAPC for an extension of time if we wish to lay this item on the table to allow more time to respond to the final amendment.

We need to be able to lay this matter on the table so that we can have the time to fully understand and make the right decision in this matter.

**Officer's Comment (Executive Director Planning and Development Services):**

In my response to Councillor's question during the briefing session, I stated that a "subdivision guide plan" was not generally required as a requirement during rezoning. However I also stated that a "structure plan" is generally required, either as a component of the rezoning documentation or developed in conjunction with the rezoning documentation. It has since been brought to my attention that "subdivision guide plan" and "structure plan" are sometimes interchangeable terms and may refer to the same documentation.

Therefore, it is accurate to state that a subdivision guide plan normally forms part the rezoning documents and is also endorsed as part of rezoning process. This requirement has been a normal practice in the City of Albany. It is a normal and standard requirement for all areas zoned "Special Rural" and "Special Residential " to have a detailed subdivision guide plan prepared and endorsed before subdivision and development applications can be supported.

Planning staff are only aware of two exceptions to this requirement, one being for "Special Rural" 4A Mead Road and the other for a "Special Use" zone at Gunn Road.

- With regards to the Gunn Road special use area the special provisions includes a requirement for a detailed subdivision Guide Plan to be prepared and endorsed for a "Special Rural" use before any subdivision and development can be supported. This is consistent with the conditions proposed for Amendment 303.

- With regards to the Mead Road “Special Rural” area, the subdivision guide plan includes a high level of detail on the constraints of the site but does not include details on the number of lots or lot configuration etc.

The Western Australian Planning Commission policy DC 2.5 for Special Residential zones states the following;

*“4.2. The scheme or scheme amendment should include a subdivisional guide plan intended for the Special Residential zone. The subdivisional guide plan may optionally be superimposed on an appropriate mapping base and must show contours, approximate areas and dimensions, the proposed staging of development, public open space, areas of substantial vegetation cover which are to be preserved, building envelopes and any other details that may be appropriate.”*

With regard to Amendment No. 303, the “normal” requirement to provide a detailed subdivision guide plan (or structure plan) was not imposed on the developer at the time of the rezoning, providing the developer the opportunity to minimise the risk on this project by undertaking the necessary studies and doing the required work on the guide plan only after the successful rezoning of the land.

ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR DUFTY

THAT Council;

1. In pursuance of section 75 of the Planning and Development Act 2005 and Regulation 17(2) of the Town Planning Regulations 1967 FINALLY ADOPTS WITH MODIFICATIONS Amendment No. 303 to Town Planning Scheme No.3 subject to following modification;
  - i. Include scheme provisions requiring the preparation of a detailed Subdivision Guide Plan (to be adopted by the City) prior to any subdivision or development, based on the additional information required by the City of Albany and WAPC as detailed in the attached Schedule of Submissions.
2. NOTES the staff recommendations within the attached Schedule of Submissions and ENDORSES the recommendations in the attached Schedule of Modifications.

**ITEM 2.3: PROCEDURAL MOTION**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SUTTON**

1. **THAT this matter be laid on the table for a period of two months to allow Council more time to consider the implications of approving or rejecting this proposal.**
2. **THAT the City request an extension of time from the WA Planning Commission to allow this consideration.**

**CARRIED 8-4**

**Record of Vote**

Against the Motion: Mayor Wellington, Councillors Attwell, Holden and Duffy

**BACKGROUND**

1. Amendment 303 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning a portion of Lot 50 Nanarup Road, Kalgan, from the 'Rural' zone to the 'Special Residential' zone.
2. Lot 50 covers an area of 237ha and lies to the north of Nanarup Road, approximately 870m east of the Kalgan River. The land immediately adjacent to Nanarup Road is relatively flat and low-lying, with a creek system running across it from east to west, towards the Kalgan River. Towards the centre of the lot, the land begins to slope steeply upward to the north. It then levels out by the north-east corner, before the slope breaks and gently falls away toward the northern boundary. Although much of the land has been cleared, significant stands of remnant native vegetation extend across the eastern, and particularly, northern portions of the lot.
3. The property is also known as "Candyup" and is included in the City of Albany's Municipal Heritage Inventory as an historic site. There is however, no reference to heritage issues in the amending document.
4. The original homestead stands at the centre of Lot 50, with a collection of outbuildings to the west of it. There are also a small number of dams scattered across the subject land. Access to the dwelling is via a track leading from Nanarup Road, roughly through the centre of the lot, with a dog-leg to the west following the natural contours of the land.
5. The adjoining land to the north, west and east of the subject lot is zoned 'Rural', while the land to the south, on the opposite side of Nanarup Road, forms part of Special Rural Area No. 6 and Special Rural Area No. 9.
6. Council has previously considered a number of proposals on the subject land with varying outcomes. The first of these was a Scheme Amendment Request that was presented to the Ordinary Meeting of Council on 16 September 2003 to rezone the subject land and neighbouring Lot 51 from the 'Rural' zone to 'Special Residential' and 'Special Site – Tourism'. This was supported by Council, subject to a number of environmental and servicing concerns being satisfactorily addressed in a future Scheme Amendment proposal, including:

- Soil sampling being undertaken across the site;
  - The preparation of a fire management plan;
  - View shed mapping to be undertaken;
  - Lot sizes should vary across the site in response to opportunities and constraints mapping;
  - Remnant vegetation bring protected;
  - The designation of a tourist site for future tourism development;
  - Details of how servicing of the site is to be achieved; and
  - A minimum lot size of 3000m<sup>2</sup> with an average of 1 hectare.
7. A Scheme Amendment to rezone Lots 50 and 51 from 'Rural' to 'Special Residential', 'Special Use' and the 'Parks and Recreation' reserve was subsequently submitted to Council and initiated at the Ordinary Meeting held on 21 December 2004, subject to modifications (Amendment No. 233). This proposal identified approximately 145 lots over the portion of land subject to this amendment.
8. The amendment documents were forwarded to the Environmental Protection Authority (EPA) for consent to advertise the Scheme Amendment. However, the EPA advised that it considered the Amendment to be incapable of being made environmentally acceptable.
9. On receipt of the advice from the EPA, Council at its Ordinary Meeting of 21 February 2006 resolved:
- “to take no immediate action to advance an amendment for Lots 50 and 51 Nanarup Road, Kalgan, and that a comprehensive briefing be held to review the information provided by the Department of Environment and the Department of Planning on the amendment and that a period of six months be provided to allow time for the community and developers to prepare an action plan for the development of the Lower Kalgan locality that meets the environmental, social and economic needs of all members of the Lower Kalgan community”.*
10. In 2006, when the draft of the Albany Local Planning Strategy (ALPS) was placed on public display, the landowner lodged a detailed submission requesting the land be shown in ALPS as “Future Urban”. This request was supported by Council. It was noted that the expansion of urban services to the locality, particularly reticulated sewer, addressed many of the issues previously raised by the EPA in their earlier assessment of development potential of the land.
11. The proponent submitted a Scheme Amendment Request in November 2009, requesting Council rezone Lots 50 and 51 from the 'Rural' zone to 'Special Residential'. The proponent advised that due to a lost opportunity to share the cost of reticulated sewer with the Great Southern Grammar School, provision of reticulated sewage was no longer viable. The proponent also identified that the Department of Planning had recently supported a request to rezone Lot 422 Affleck Road (to the south of the subject land on the opposite side of Nanarup Road) to the Special Rural zone, despite this land being within the same 'Future Urban' cell identified within the draft ALPS.

12. At its Ordinary Meeting held on 19 January 2010, Council resolved to entertain the submission of a formal Scheme Amendment to rezone Lots 50 and 51 Nanarup Road from the 'Rural' zone to the 'Special Residential' zone on the basis that:

*"On viewing the land, it is difficult to support full urban development of the subject land given the exposure of the site and 'Special Residential' development will result in less building activity and be less visually intrusive".*

13. While this Scheme Amendment Request was under consideration, the 'final' version of the draft ALPS was on public advertising, with the redesignation of these lots from 'Rural Residential' to 'Future Urban – Priority 5' as one of the five substantial modifications under consideration. At its Ordinary Meeting on 15 June 2010, Council resolved to modify the draft ALPS to change the designation of the land north of Nanarup Road from 'Future Urban – Priority 5' to 'Special Residential'.
14. This modification reflected Council's earlier resolution of 19 January 2010 and was subsequently endorsed by the Western Australian Planning Commission (WAPC) when the draft ALPS was finally approved on 26 August 2010.
15. The amendment was considered for initiation at the Ordinary Council Meeting of 13/12/11 where the following was resolved;

"THAT Council determines that initial public consultation, prior to referral to the EPA, and outside of the statutory framework set down by the Town Planning Regulations 1967 is not required and in pursuance of Section 75 of the Planning and Development Act 2005 resolves to INITIATE Amendment No. 303 to Town Planning Scheme No.3 for the purposes of rezoning portion of Lot 50 Nanarup Road, Lower Kalgan from the Rural zone to the Special Residential zone."

16. The amendment was subsequently forwarded to the EPA who considered the proposal and determined that it did not require assessment. The EPA provided advice and recommendations with respect to
- Remnant vegetation
  - Water quality and quantity
  - Fire Management Plan
17. The public consultation on the amendment commenced on 17 May 2012.
18. Council is now required to consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed scheme amendment.

**DISCUSSION**

19. The proposal seeks to rezone a 107ha portion of the subject lot, avoiding the bulk of the remnant vegetation in the north and east and the creek system to the south, which were areas of concern identified by the EPA in its 2005 assessment. The development of this portion of Lot 50 will yield approximately 215 new lots which equates to an average lot size of 5000m<sup>2</sup>.
20. The subject land has been identified as a future 'Special Residential' development zone in the ALPS and is consistent with the Strategic Objectives and Aims set out in section 8.3.5 – *Rural Living* therein.
21. The proposal identifies five development precincts with common soil and topographical conditions. An overall minimum lot size of 2000m<sup>2</sup> has been identified, with a minimum lot size contemplated for each of the precincts. The majority of the lots will be within the vicinity of 3000m<sup>2</sup> in size, however the Subdivision Guide Plan (SGP) acknowledges that on steep areas, areas affected by remnant vegetation or areas containing swales and associated wet areas, larger lots of around 5000m<sup>2</sup>, but up to 1 hectare, will be required.
22. The SGP contained within the Amendment document takes the form of an opportunities and constraints plan, the final alignment of lots to be determined at the subdivision stage. The SGP proposes that an average lot size of 5000m<sup>2</sup> over the site will be required, resulting in a maximum lot yield equal to, or less than, 215 lots.
23. The current SGP proposes a significant increase in the density of development to that of the original SGP that was supported by Council in 2004 (an increase from 145 to 215 lots). However, since 2004 the ALPS has been adopted, which encourages the efficient use of rural living areas based on land capability to maximise development potential. The land capability report accompanying the amendment contends that the density proposed can be accommodated on the site.
24. Other significant changes between the 2004 SGP and the current version submitted include:
  - The 20 hectare tourist site has been omitted with the proponent claiming such a site would not be viable. The proponent has however identified a tea rooms/restaurant site in the north east portion of the site which commands the best views of the harbour and surrounding rural landscape; and
  - The SGP represents as an opportunities and constraints plan rather than a more detailed plan identifying lot boundaries (this form of SGP is acceptable to staff).
25. Each of the five precincts proposed have differing land capability and planning issues associated with them. These are discussed below.



Precinct A

26. Precinct A includes the major area of significant remnant vegetation on the subject land as identified in the vegetation assessment. As a result future development within this precinct will be confined to the outer edges of the development area between the vegetation and the road network. The SGP identifies lot sizes ranging from 2000m<sup>2</sup> to 3000m<sup>2</sup>. According to the submitted land capability report this Precinct has a *'very high capability with few physical limitations'*.
27. The identification of the significant vegetation as public open space is not considered appropriate; the alternative approach would be to include this vegetation within the rear boundaries of more than 20 allotments. This would not be good practice as numerous landowners would be responsible for the maintenance of the vegetation resulting in:
- the removal of the connectivity between areas of vegetation;
  - introducing a cost impost on certain lots;
  - increasing the fire risk through non-compliance; and
  - adding considerably to the requirement to police the outcome.

Recommended that Council consider, requiring creation of larger lots to encompass areas of native vegetation. Restrictive covenants may be applied relating to protection of existing native vegetation and its ongoing maintenance and management.

28. The SGP identifies a hazard separation zone and building protection zone surrounding the vegetated POS areas to ensure future dwellings are adequately separated from this fire threat consistent with the submitted Fire Management Plan.

Precinct B

29. The north-eastern quadrant of Precinct B has been identified through the geotechnical assessment as having the poorest land capability on the subject land (category 5), and represents a defined drainage line through the property. The SGP has identified this area as public open space. However, its use for recreation appears to be limited as the primary purpose of this land is for drainage.
30. A significant portion of Precinct B is also prone to temporary water logging in winter months which is identified on the proposed SGP. The land capability report identifies that this area could be made developable by installing cut-off drains and road drainage that intersects the down slope surface water flows and through additional site works such as filling. Such works would enable these lots to be usable throughout the entire year, and ensure that an appropriate clearance for effluent disposal systems is achieved (500mm separation is required). No detailed engineering plans to document this solution have been submitted however the amendment document has identified the requirement for a detailed drainage management and site mediation plan (via Clause 4.4 of the special provisions) at the subdivision stage.

31. The proponent has identified a drainage reserve running parallel to the north-south road which will cater for drainage flows from the higher slopes and will have the effect of restricting vehicular access and accompanying crossovers and culverts. Access to these lots will be provided from the cul-de-sac road to the west, allowing building envelopes to be positioned outside of the area prone to water logging, thereby reducing the drainage and fill works needed within this area.
32. The Department of Health's Country Sewerage Policy does state the following in relation to groundwater separation requirements for effluent disposal systems:

***“Minimum Site Requirements***

*Irrespective of the type of on-site wastewater disposal system proposed, there should be at least 0.5 metres separation between the **natural** ground surface and the highest known groundwater level. Correctly engineered drainage solutions may be used to increase the clearance between the natural surface and the highest known groundwater level, subject to such drainage works being environmentally acceptable.”*

33. Council has two distinctive options in relation to this issue being to either:
  - a) Support the proponent's position that the waterlogged land within this precinct can be made developable through cut-off drains and/or filling with details to be provided at the subdivision stage; or
  - b) Require that all building envelopes should be positioned outside of the areas prone to water logging. This would result in a reduced lot yield and/or a redesign in the south-eastern portion of this Precinct to ensure lots can accommodate reasonably sized building envelopes outside of these areas.

Precinct C

34. Precinct C contains the steepest land with some areas having a gradient between 1 in 3 (33%) and 1 in 4 (25%). The land capability consultant has identified a low to medium risk for landslip within this Precinct, advising that whilst the conditions and slopes are similar to those in other hilled areas of the south west of WA, including Albany, they are not considered to be prohibitive, but rather that design parameters that provide stability for dwellings would be required. This area has been demarcated on the SGP as 'Steep Soils'. The proponent has proposed that special provisions (Clause 6.1) which state that design guidelines will be required to be prepared at the subdivision stage over Precinct C and D to guide development over this land to guide housing design and manage the risk of landslip.
35. Immediately south of the northern most east-west road, which sits on a ridge, a relatively flat area is potentially available for house sites in this Precinct before the land becomes excessively steep. The positioning of buildings in these locations will assist in ensuring the built form is not out of character with the surrounding special residential development.

36. The SGP identifies lot sizes ranging from 4000m<sup>2</sup> to 5000m<sup>2</sup> which will produce lots with a frontage of at least 50 metres. The proposed lot sizes and lot frontages will promote reasonable separation distances for privacy and amenity.

Precinct D

37. Precinct D has a high capability for development and is cleared of vegetation but represents the most visually exposed portion of the site. The proponent has prepared a visual impact assessment which has included the taking of photographs at various public vantage points taken from Bayonet Head, Lower King and Emu Point.
38. The photographic assessment does identify the potential for significant visual impact. However this area is framed by existing vegetation on the northern portion of Lot 50 (to the north of the portion subject to this amendment) which will ensure that any future development would not silhouette against the skyline. The proponent has advocated the use of appropriate colours and building materials on future buildings within this Precinct, as well as the planting of street trees, to ensure the development blends in with the rural landscape.
39. The SGP identifies lot sizes ranging from 2000m<sup>2</sup> to 3000m<sup>2</sup> and according to the submitted land capability report this Precinct has a '*high capability with minor physical limitations*'. Design guidelines will need to be prepared to control the visual impact of the development, noting that the development within this Precinct will be 'back-dropped' by retained remnant vegetation.

Precinct E

40. Precinct E has a high capacity for development with proposed lot sizes ranging from 2000m<sup>2</sup> to 6000m<sup>2</sup>. The larger lots are necessary to cater for those allotments affected by the significant stand of vegetation in the central portion of this Precinct.

Precinct F

41. The land within this precinct does not form part of this proposal and merely indicates the road connections and context with this current proposal. Precinct F includes the areas subject to significant constraints such as the major creek line to the south and heavily vegetated areas to the north and east. This land will remain under the rural rezoning.

General

42. The proponent contends that the land capability study identifies that the proposed subdivision layout is sympathetic to the landform and environmental values and provides for the management of identified constraints. Soil testing and assessment has determined that waste water disposal can comply with the Government Country Sewerage policy.

43. The proponent also contends that the proposed layout is consistent with good practice stormwater management and road design principles. The creation of public open space along the valley at the centre of the subject land, in combination with drainage reserves and the careful positioning of roads should ensure that runoff from roads, development and the overland flow from higher slopes can be suitably accommodated during high intensity stormwater events; a more detailed urban water management plan to inform drainage design will be required at the subdivision stage for the City's consideration.
44. The proponent contends that the fire management plan has incorporated the requirements of the Planning for Bushfire Protection Guidelines (2010) identifying strategic fire breaks (fire access tracks), building protection and hazard reduction zones. However, a more detailed fire management plan will also be required at the time of subdivision.
45. The visual management plan states that despite the prominent nature of the site, the stands of vegetation help to minimise the potential impact of the proposed development. The plan recommends that through the protection of this vegetation wherever possible, the provision of additional street trees to frame the roads, and the careful consideration of building materials and colours, the visual impact of the development would be limited.
46. The amendment was initiated at the Ordinary Council Meeting of 13/12/11 and was subsequently forwarded to the EPA who considered the proposal and determined that it should not be assessed. However, the EPA provided some advice to guide the development planning.
47. The Amendment was advertised for public comment and referred to a number of Government Departments and Agencies for comment.
48. It is noted that a number of matters were not adequately addressed in the amending documentation that was supplied to the City or had been omitted, at the time of the initiation. A number of submissions therefore relate to request for additional information that will be necessary either before or at the time of subdivision.
49. The majority of the submissions received are opposed to the proposal. However most of the concerns raised can be resolved by requiring appropriate modifications to the special provisions of the zone and or the subdivision guide plan.
50. The majority of concerns relate primarily to the proposed density and the impact it will have on the visual amenity and the character of the area, however these can readily be resolved by requiring a lower density of development.
51. It is recommended that Council consider modifications to the amendment documentation to require preparation of a detailed Subdivision Guide Plan prior to any subdivision or development, based on the additional information required by the City of Albany and WAPC as detailed in the schedule.

52. Alternatively Council may consider provisions to allow for setting a larger minimum for lot sizes, for example 1HA, a lower density development to that being proposed, or apply as average lot size to the amendment to achieve this purpose. This will help to meet community aspirations for the area, maintaining the rural character and amenity of the area. This reduced density is also considered to be more sensitive to the Vegetation Fauna protection, the topography and is more suitable to the lands capability.

### **GOVERNMENT CONSULTATION**

53. The Environmental Protection Authority (EPA) considered that the proposed scheme amendment should not be assessed and provided some advice.
54. The Amendment was referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Agriculture and Food WA, Department of Water, Department of Environment and Conservation, Department of Education, the Department of fisheries, the City's Heritage advisor and Fire and Emergency Services Authority (FESA) for assessment and comment.
55. Responses were received from Telstra, Water Corporation, Western Power, Department of Agriculture and Food WA, Department of Water, Department of Environment and Conservation, Department of Education and FESA and are summarised in the attached Schedule of Submissions.
56. The most pertinent comments received were from the Department of Environment and Conservation, Department of Agriculture and Food, Department of Water, Department of Health and the City's Heritage advisor. All of these submissions highlight the need for more information, that should be provided and request modifications and additions to the amending document, proposed special provision and the Subdivision guide plan.

### **PUBLIC CONSULTATION / ENGAGEMENT**

57. As part of the consideration to initiate this amendment at the Ordinary Council Meeting of 13/12/11, Council also considered whether to consult with or advise the community of this matter before referring the matter to the EPA.
58. Council resolved that initial public consultation, prior to referral to the EPA, and outside of the statutory framework set down by the Town Planning Regulations 1967 was not required.
59. Following receipt of the EPA advices, the Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 17 May 2012 to 28 June 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in the local newspaper.
60. Staff together with the proponents also attended an information session with the community on the 18<sup>th</sup> of June 2012. The matters raised at this session were similar to those raised in the individual submissions from community members and that of the Lower Kalgan Progress association.

61. A total of twenty five (25) written submissions were received, as attached. The submissions discussed, with a recommendation for each submission are contained in the attached Schedule of Submissions.
62. The majority of the submissions received are opposed to the proposal. The most pertinent matters raised relating to the proposal can be summarised as follows ;
- i. Proposed density of the development that is not considered to be in accordance with the existing character for the area and does not meet the community's aspirations for the area;
  - ii. Potential Land Uses Conflict between existing rural uses and the proposed residential use;
  - iii. Concerns raised over:
    - a) Visual impact and Amenity
    - b) Fire Risk and prevention and emergency management;
    - c) Lack of infrastructure;
    - d) Potential Traffic impact;
    - e) Lack of information on the History of the site;
    - f) Land capability, suitability and stability.
    - g) Environmental impacts.
63. The community also expressed concerns over the lack of Strategic planning for the area and lack of Community consultation. These matters do not necessarily relate directly to this proposal, but should be noted by the Council.

### **STATUTORY IMPLICATIONS**

64. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WAPC and the approval of the Minister for Planning.

### **STRATEGIC IMPLICATIONS**

65. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
66. Section 8.3.5 – *Rural Living* sets the following Strategic Objectives:

*"In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential."*

*"Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located either adjacent to Albany as designated on the ALPS maps, or within existing rural townsites in accordance with Table 5 along with adequate services and community infrastructure."*

*The ALPS expands on this by stating that: “The strategy’s objectives for Rural Living areas are to:*

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

*Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.*

*Existing Special Rural and Special Residential zones in the City’s current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are not connected to reticulated water”.*

67. The proposal is considered to be broadly consistent with Section 8.3.5 of the ALPS, as it:
- discourages the creation of additional rural town sites for living purposes;
  - avoids the development of a Rural Living area on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity;
  - avoids the development of a Rural Living area on future and potential long-term urban areas, as the land has been identified in the ALPS as suitable for Special Residential purposes; and
  - will create lot sizes suitable for rural residential living purposes, similar to those to the south, although smaller, therefore minimising the potential for generating land-use conflicts
68. However, it is noted that the smaller lot sizes of 2000m<sup>2</sup> are more consistent with an urban form than rural residential, and developments of this density have a more urban character than those with larger lots are prevalent.

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

**Key Focus Area:**

*Sustainability and Development*

**Community Priority**

*Single Town Planning Scheme*

**Proposed Strategies**

- *Develop strategies to retain prime agricultural land.*
- *Flexibility for development in key tourism areas.*

**POLICY IMPLICATIONS**

70. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.

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

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

SPP1 describes the factors which represent good and responsible decision-making in land use planning:

**“Environment**

*The protection of environmental assets and the wise use and management of resources are essential to encourage more ecologically sustainable land use and development. Planning should contribute to a more sustainable future by:*

- promoting the conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;*
- State Planning Framework Policy 5*
- assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;*
- protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values from inappropriate land use and development;*
- adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and*
- preventing environmental problems which might arise as a result of siting incompatible land uses close together.*



### **Community**

*Planning anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities. Planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by:*

- i. accommodating future population growth and providing housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;*
- ii. providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;*
- iii. integrating land use and transport planning and promoting patterns of land use which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars;*
- iv. encouraging safe environments, high standards of urban design and a sense of neighbourhood and community identity;*
- v. promoting commercial areas as the focus for shopping, employment and community activities at the local, district and regional levels; and*
- vi. providing effective systems of community consultation at appropriate stages in the planning and development process.*

### **Economy**

*Planning should contribute to the economic well-being of the State, regions and local communities by supporting economic development through the provision of land, facilitating decisions and resolving land use conflicts. In particular, planning should provide for economic development by:*

- i. providing suitable zoned and serviced land for industry, business and other employment and wealth generating activities;*
- ii. protecting agricultural land resources from inappropriate uses;*
- iii. avoiding land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts;*
- iv. promoting local employment opportunities in order to reduce the time and cost of travel to work;*
- v. providing sites for tourism accommodation and facilities taking account of their special location and servicing needs; and*
- vi. ensuring that plans and policies are clear and certain, decisions are made in accordance with plans and policies, and decisions are made expeditiously.*

***Infrastructure***

*Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated and provided in a way that is efficient, equitable, accessible and timely. This means:*

- i. planning for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes and essential services;*
- ii. protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use and development;*
- iii. facilitating the efficient use of existing urban infrastructure and human services and preventing development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services; and*
- iv. encouraging consultation with providers of infrastructure, to ensure they have regard to planning policies and strategic land use planning when making their investment decisions, in order to ensure that land use and development are closely integrated with the provision of infrastructure services.”*

The future Outline Development Plan would specifically need to focus on:

- assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;
- preventing environmental problems which might arise as a result of siting incompatible land uses close together through the use of appropriate separation buffers;
- integrating land use and transport planning and promoting patterns of land use which reduce the need for transport; and
- protecting agricultural land resources from inappropriate uses through the use of appropriate separation buffers.

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

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

The key policy objectives in SPP 3 are as follows:

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*

- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.”*

**73. SPP 2.5 – Agriculture and Rural Land Use Planning**

SPP 2.5 was gazetted in 2002 and has provided a comprehensive review and refinement of the previous DC Policy 3.4 Rural Land Use Planning (1989). The WAPC and Local Government are required to have regard to SPP 2.5 in planning for the development of rural areas.

The Policy advises that:

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

The 4 key objectives of SPP 2.5 are summarised as:

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

The City contains land designated as Agricultural Priority Management Areas within State and these are required to be protected for future agricultural production purposes.

The City shall have regard to the general provisions and policy statements under SPP 2.5 in considering proposals or developments that affect rural land.

**74. Development Control Policy 2.5 – Special Residential Zones**

This policy sets out the requirements of the Commission for the creation of such zones in terms of location, internal design and servicing, and statutory provisions.

Key objectives of DC 2.5 are summarised as;

- To provide for the creation of lots of between 2,000 square metres and one hectare in suitable locations.
- To ensure that the use and development of such lots are subject to appropriate standards and controls.
- To protect the character and amenity of adjacent rural areas.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>The development on the higher slopes has the potential to be visually prominent.</i>	<i>Possible</i>	<i>Medium</i>	<i>High</i>	<i>Use of a landscaping plan prepared and Implemented In accordance with the WAPC landscape Planning guidelines In Western Australia, as a condition of subdivision and promote street tree planting.</i>
<i>The development on higher slopes may be prone to land slip risk.</i>	<i>Unlikely</i>	<i>High</i>	<i>High</i>	<i>Use of site specific Geotechnical studies and appropriate construction standards as a scheme requirement to control type of construction and footing designs / requirements.</i>
<i>The development on the lower portions of the site are prone to winter water logging in winter.</i>	<i>Possible</i>	<i>Medium</i>	<i>High</i>	<i>Requirement for a detailed drainage management and site mediation plan at subdivision stage.</i>
<i>Fire risk for dwellings adjacent to significant stands of vegetation.</i>	<i>Unlikely</i>	<i>High</i>	<i>High</i>	<i>At subdivision and development stage ensure the detailed fire management plan is prepared and the recommendations/requirements are implemented (hazard separation and building protection zones).</i>
<i>Community concerns about the impact of development.</i>	<i>Almost certain</i>	<i>moderate</i>	<i>High</i>	<i>Duly and carefully consider concerns raised to balance community aspirations with the developers expectations</i>

**FINANCIAL IMPLICATIONS**

76. The appropriate application fees have been paid and staff have assessed the proposal within existing budget lines.

**LEGAL IMPLICATIONS**

77. Section 75 of the *Planning Development Act 2005* allows Council to pass a resolution to amend its Town Planning Scheme.

**ALTERNATE OPTIONS**

78. Council has the following options in relation to this item, which are:

- To adopt the Scheme Amendment without modifications;
- To adopt the Scheme Amendment with modifications as per staff's recommendation or Modifications determined appropriate by Council ;
- To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.

**SUMMARY CONCLUSION**

79. The proposal seeks to rezone a portion of Lot 50 Nanarup Road, Kalgan from the 'Rural' zone to the 'Special Residential' zone. The subject land has been identified as being suitable for 'Special Residential' development in the ALPS and is considered to be consistent with the Strategic Objectives and Aims set out in section 8.3.5 – *Rural Living*.

80. Final adoption of the proposal subject to the proposed modifications is recommended.

81. It is recommended that Council consider modifications to the amendment documentation and provisions require preparation of a detailed Subdivision Guide Plan prior to any subdivision or development, based on the additional information required by the City of Albany and WAPC as detailed in the schedule.

82. Alternatively, Council should include provisions in the schedule to allow for setting a larger minimum for lot sizes, for example 1HA, a lower density development to that being proposed, or apply as average lot size to the amendment to achieve this purpose. This will help to meet community aspirations for the area, maintaining the rural character and amenity of the area. This reduced density is also considered to be more sensitive to the Vegetation Fauna protection, the topography and is more suitable to the lands capability.

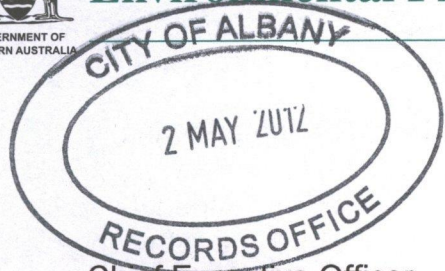
<b>Consulted References</b>	Albany Local Planning Strategy
<b>File Number (Name of Ward)</b>	AMD 303 (Kalgan Ward)
<b>Previous Reference</b>	OCM 16/09/03 – Item 11.3.5 OCM 21/12/04 – Item 11.3.4 OCM 21/02/06 – Item 11.3.3 OCM 19/01/10 – Item 13.2.1 (SAR145) OCM 13/12/11 – Item 2.3

AMD303  
Jan

AGENDA ITEM 2.3 REFERS



# Environmental Protection Authority



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

City of Albany Records  
Doc No: ICR1264441  
File: AMD303  
Date: 02 MAY 2012  
Officer: SPLAN2

Attach:  
Box:  
Vol:  
Box+Vol:

Our Ref: A465156  
Enquiries: Angela Coletti  
Phone: 6467 5490

ATTN: Jan van der Mescht

Dear Sir/Madam

## DECISION UNDER SECTION 48A(1)(a) *Environmental Protection Act 1986*

**SCHEME AMENDMENT TITLE:** City of Albany Town Planning Scheme 3  
Amendment 303 - rezoning from Rural to  
Special Residential  
**LOCATION:** Pt Lot 50 Nanarup Road  
**LOCALITY:** Lower Kalgan  
**RESPONSIBLE AUTHORITY:** City of Albany  
**DECISION:** Scheme Amendment Not Assessed –  
Advice Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

### ADVICE AND RECOMMENDATIONS

#### 1. Environmental Issues

- Remnant vegetation
- Water quality and quantity
- Fire Management Plan

#### 2. Advice and recommendations regarding Environmental Issues

##### Remnant Vegetation

The vegetation on site may provide habitat for the Baudin's, Carnaby's and the Forest Red-tailed Black Cockatoo. All species of Cockatoos are protected under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1991* (EPBC Act). The proponent should consider

its notification responsibilities regarding matters of National Environmental Significance under the EPBC Act should implementation of this scheme fail to avoid impacts to protected fauna.

Remnant vegetation should be retained and protected through the following:

- A modification of scheme provision No.7 in the City of Albany, Town Planning Scheme No. 3 to include the installation of stock proof fencing of remnant vegetation;
- a targeted flora survey to be undertaken, prior to determining building envelopes, to locate suitable trees for the Cockatoo's;
- if suitable trees are located then the EPA expects a Cockatoo Management Plan to be prepared and implemented as a condition of subdivision approval and to the satisfaction of the Department of Environment and Conservation (DEC);
- the subdivision guide plan should clearly indicate the large triangular remnant in the South West of the amendment area as Public Open Space Conservation as mentioned in the text;
- a single crossing of the waterway to enter the development area, preferably to upgrade the existing crossing to minimise the impact upon riparian vegetation;
- a fauna survey to be undertaken in accordance with EPA's Guidance No. 56, 2004, *Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia* and implemented as a condition of subdivision approval and to the satisfaction of the DEC; and
- clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from the DEC, or is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of native vegetation Regulations) of the *Environmental Protection Act 1986*.

#### Water quality and quantity

The Department of Water (DoW) has advised that the land capability report is insufficient in providing the information required for the DoW to support the change in land use. While development resulting from this amendment may not pose a significant impact on Oyster Harbour the EPA is concerned about the cumulative impact resulting from further subdivisions in the area.

The EPA therefore strongly recommends that the land capability studies are conducted at the most appropriate time of year, and are carried out to the satisfaction of the DoW. A Local Water Management Plan should then be produced to the satisfaction of the DoW.

The EPA supports scheme provision No9 concerning the installation of alternative waste water treatment units to help prevent the pollution of groundwater. Waste water disposal in this area will be difficult so the lot layout will need to account for this in order to achieve compliance with the Draft Country Sewerage Policy.

The EPA's Guidance Statement No. 33, 2008, *Environmental Guidance for Planning and Development* in particular Part C3.3.5 'On Site Effluent Management' provides further clarification on the approval processes that relate to on-site treatment of effluent under the *Health Act 1911*. Alternative Treatment Units should be approved by the City of Albany and licensed by the Department of Health.

Fire Management Plan

The OEPA notes that the Fire Management Plan (FMP) currently states the Fire Hazard Assessment for the proposal Lots ranges from low to extreme in the vegetated areas.

The Western Australian Planning Commission (WAPC) *Planning for Bushfire Protection Guidelines May 2010* has a presumption against further landuse intensification in areas of extreme fire danger. The guidelines recommend that a 20 metre Building Protection Zone (BPZ) be provided around buildings with a further 80 metre wide Hazard Separation Zone (HSZ) maintained outside the Building Protection Zone. Lots in the vegetated areas can be expected to be considered an extreme fire hazard as defined in the WAPC guidelines.

The implementation of measures which will be necessary to help reduce the risk of wildfires to residents will result in an environmental impact. The maintenance of the 20 metre BPZ, the additional HSZ, and the installation of the internal firebreaks, are likely to result in significant modification of the vegetation including increased fragmentation of the subject land. There is also an accompanying risk of increased weed invasion and degradation of vegetation condition over time. Modification of native vegetation through physical action (eg slashing, thinning out or regular burning) as stated in the Fire management Plan may constitute 'clearing' (Environmental Protection Act 1986, Section 51A (a), (b) and (d)).

The responsible authority should ensure that EPA's Guidance Statement No.33, 2008, *Environmental Guidance for Planning and Development*, is adequately considered where appropriate during detailed planning processes. The OEPA recommends that the responsible authority work closely in consultation with DEC, DoW and any other relevant agencies, prior to the implementation of the Structure Plan.

### 3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully



Anthony Sutton  
Director  
Assessment and Compliance Division

30 April 2012



## SUBMISSION

**To:** City of Albany

**Re:** **PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE 'RURAL' ZONE TO THE 'SEPCIAL RESIDENTIAL' ZONE (AMD303)**

**From:** Anne Brandenburg  
*B.Sc (Hons) (Biology) (First Class)*  
*B.App.Sc (Multi. Disc) (Dinstinction) (Biol/Hort)*  
*Proprietor, gorepaniART Gallery*

**Date:** 28 June 2012

---

### **State and Local Planning Guidelines**

It is my strong view that the Special Residential zoning and development objectives of AMD303 contravene the intent and research knowledge accumulated in statutory WAPC and City of Albany planning documents and strategies.

### **Action Required by Council:**

- Review and reassess AMD303 against state and local government documents.
- Ensure local government documentation being used in re-assessment is FULLY endorsed by the Kalgan community. The current ALPS document showing a Special Residential zoning for the Kalgan cell does not qualify for this process.

### **Moratorium**

Prior notice given developers and planners of a pending Council moratorium on development applications lodged after 21 February 2012 served to increase the

number of development applications lodged prior to the release of draft LPS1 for community comment. This influx of applications, from which AMD303 emanates, is creating considerable amounts of unwarranted community confusion. The relationships between AMD303, ALPS and LPS1 is complex. Inviting development applications by way of notice of intent to place a moratorium on development application only serves to baffle an already baffled community with respect to important strategic planning issues.

Council is calling for community comment on a statutory document (ie draft LPS1) prior to Council simultaneously making a decision on AMD303, a decision which legally will affect that draft LPS plan.

In addition to this, there is no potential for knowing the outcome of AMD303 application and its influence on the draft LPS1 before comments on the LPS1 due by 3 August.

Zoning information in these two documents is conflicting and causing considerable confusion to the informed feedback being sought by Council on AMD303. Council has previously set a precedent for not supporting development proposals and applications that cause such confusion, and I would recommend the same for AMD303.

**Action Required by Council:**

- AMD303 should be subjected to the same moratorium as development applications lodge after 21 February 2012.
- As mentioned, Council has previously set a precedent for not supporting development proposals likely to cause confusion amongst the assessing community. I would recommend that AMD303 also be withdrawn from the assessment process and advice given to the proponent that it be rejected on the same grounds.
- Council officer effort will be more effectively directed to expediting the update of statutory town planning documents rather than acting responsively to distracting, ad-hoc development proposals such as AMD303.

### **Councillors Over-riding Staff Advice**

Council has on at least two occasions with respect to Candyup Scheme Amendment Requests and Scheme Amendment applications overturned the advice of its professional planning officers advising Council *not* to support proposed developments. Both instances resulted in Council placing and endorsing alternative motions that have supported and encouraged the developer to progress with development proposals and activities for Candyup.

One of these instances is of particular interest given the *vast* amounts of extensively researched and sound planning advice provided to Council by Council officer staff. While too extensive to include here, it was summarised by officers as:

*“Overall, the SAR is considered to be inconsistent with both State Planning Policy and the strategic planning direction set by the draft ALPS. Staff therefore have no option but to recommend that Council rejects the SAR proposal.”*

The case worsens when, again I find noted in the minutes, statements by Council officers defending their professional judgement whilst also reluctantly acknowledging advice that is contrary to their beliefs but which they feel they must give as employees of a Council. Such as statement follows:

*“As no new information and arguments have been raised through the submissions, staff have reluctantly drafted a positive recommendation on these matters“.*

And here we are now, well down the planning track for AMD303,

- with a single developer/landholder proponent feeling very assured and confident of their future success as a consequence of consistent and proactive Council support,
- a community betrayed and alienated by its Council, and

→ a Council that is repeatedly getting away with what I can only describe as mismanagement.

Such an outcome for a rate paying community is outrageous. Council repeatedly over-riding thoroughly considered, sound and appropriate professional planning advice is a disgrace and irresponsible. Not only does it help to make an already dysfunctional Council look increasingly silly and reflect poorly on its ratepayer community, it is enormously disrespectful and potentially damaging to the professional careers of its planning staff.

**Action Required by Council:**

- Council must immediately place on hold and put under moratorium AMD303 until the decisions pertaining to Candyup Scheme Amendment and ALPS rezoning decisions for the Kalgan 'cell' has been assessed in an independent review process that is agreed upon by the Lower Kalgan community (lead by the LKPA) and Council.
- Council must immediately establish a process that cross checks and provides for independent arbitration on Council decisions attracting firm and/or reaffirmed derision between the professional advice of Council planning officers and Councillors in development applications.

**Precinct Planning**

Developer driven development pressure on the Lower Kalgan precinct is both significant and immediate, even in spite of the ALPS identifying no demand for new lots in rural locations within at least the next 5 years

I am supportive of the concept of future development in the Lower Kalgan, but not FIRST without a significant amount of precinct planning involving ALL stakeholders so as to protect the values:

- of the Lower Kalgan landscape for all of the wider community, and
- the rural and/or semi-rural values current residents have intentionally brought into and seek to maintain for at least the next 10-20 years.

Developing a comprehensive precinct plan addressing social, environmental and economic issues over an extended period of time which meets the needs of local and non-local people who enjoy the locality is integral to achieving this outcome.

**Action Required by Council:**

- Council upholds its prior commitments to the LKPA for carrying out precinct planning
- Support and participate in a regular consultation process with the LKPA with respect to preparing a Lower Kalgan Precinct Plan

**Council Commitment to Community in Planning**

I am extremely concerned to find in Council minutes examples of apparent Council disinterest in tapping into Kalgan community interest and comment on rezoning and development proposals as measured by Council opting not to engage comment beyond that legally required, even when advised by Council officers of interest that exists.

I am also aware that the Minister is empowered to *“direct the local government to take further steps to advertise an amendment where the Minister is not satisfied that adequate steps have been taken to make public an amendment.”*

**Action Required by Council:**

- Recognised the value of additional community input into sensitive planning issues
- Take opportunities to engage further discussion with community and landholders to address sensitive development issues

**Equity in planning**

In my view, planning processes in the Lower Kalgan are being driven by a single landowner/developer with the considerable help of an overly supportive Council (at least with respect to the Lower Kalgan) to the detriment of the local Lower Kalgan community. Yet, Council supposedly exists to represent ALL of its ratepayer

community and, as such, is required to take active responsibility for scoping and including the interests of all of its rate payers in decision making processes.

Related to this is my concern that insufficient consideration and opportunity for informed input has been afforded to residents of existing Special Rural subdivisions in the Lower Kalgan precinct (eg Gull Rock and Swan Point locality) on rezoning opportunities that may or may not follow from various planning options. Gull Rock and Swan Point landowners are expecting, at least in part, an opportunity to turn their investment of 20 years ago into additional blocks and worthy assets of the future.

In spite of whether or not this is environmentally possible, Council has not demonstrated any recognition of this fact or taking steps to discuss or address this issue with affected landholders. Nor has it seemingly acknowledged the downward impact that additional land release (through developments such as AMD303 and Council's own development of Cull Road lots) has on existing property values.

**Action Required by Council:**

- Council ensure equity of contribution to planning processes by all stakeholders in development projects, activities and precinct planning processes
- Council includes in its Scheme Amendment Request process consideration for community input through its links with the Lower Kalgan (and other local) Progress Associations

**Reasonable Expectation of Community by Council**

Planning is a complex task involving complex concepts requiring considered input of many stakeholders over a long period of time.

It is simply not reasonable of Council to expect the Lower Kalgan community to be satisfied with:

- Continually responding to important planning issues in a reactionary way.
- Rapid and monumental change in lot size and rural outlook and yet only being given 42 days to address their consequent concerns.

→ Jumping from low density Rural to high density Special Residential zoning in a single scheme amendment

Accepting the notion that planning constraints on Special Residential developments will protect the values of the rural landscape and community when we are concurrently told in Council minutes that people buying special residential property are wealthier, build bigger homes with bigger sheds to store larger volumes of assets. Also that their primary interest in their locality is retaining their view rather than contributing to the maintenance of share space.

My clear understanding is that the Kalgan community aspires to fostering the inflow of like-minded people with both a sense of community and place, and a considerable willingness to collectively share in responsible enjoyment, management and development of a precinct we all care for equally. The description given to us of typical Special Residential landowner is a long way from fitting a preferred character type for the community. Therefore, it is of course natural, that Council will meet resistance for a change in zoning that fosters such newcomers into the district.

In relation to this, my personal thought is that keeping the Future Urban zoning proposed in the second and last advertised draft of the ALPS sat nicely with the long term expectations of community. Future Urban enabled the community time enough to recognise that change in the future inevitable, but gave it also time enough to engage in that change in a considered and interactive way for a period of at least 10, and more like 20years hence.

**Action Required by Council:**

- Council must take immediate and active steps to slow down or stop the current AMD303 rezoning process
- Council must take immediate and active steps to work with the entire Lower Kalgan community in developing a precinct plan that best suits the majority (and not minority) of landholders in the locality

### **Development Density**

The development density of the proposed AMD303 development is way too intense and not appropriate for placement in an existing, undeveloped agricultural landscape.

Council is also setting an undesirable precedent for requests for further small urban lots in other entirely agricultural landscapes. Already out shire has been identified as having more than ample supply of rural residential lots for the next 5 years at least, although most likely longer given the impact of the GFC on the Albany region.

With respect to AMD303 in particular, while indicative lot sizes of Precincts A – E are provided, there can be no way of estimating likely lot numbers in each of the precincts given overall precinct sizes are provided. In my view, this is clever deceit of community at its best and should not be allowed by Council.

### **Action Required by Council:**

If AMD303 is permitted to progress, then

- lot size allocations should be further investigated and a minimum lot size of 1ha be set. This would be the same lot size permitted in surrounding rural residential zones.
- lot sizes should be considered in the context of precinct planning where opportunities for alternative lot arrangements (as opposed to traditional developer pods) can be investigated.

### **Infrastructure**

Abandoning Priority 5 classification under Future Urban zoning by Council in an unadvertised 3<sup>rd</sup> phase of the development of ALPS puts the community at risk losing staged urban development with the provision of supporting infrastructure and services based on current growth projections.

Increased population density proposed under AMD303 brings with it increased demand on existing infrastructure, and increased demand for expanded infrastructure. Irrespective of whether classed as Future Urban or Special



Residential, Council already pays inadequate regard to local infrastructure and public safety needs. It is clear the Lower Kalgan community's concern for improved infrastructure is valid.

As in the ALPS, I believe planning needs to provide for and encourage sustainable and timely delivery of essential community infrastructure to accommodate appropriate and planned settlement and growth.

**Action Required by Council:**

- Commence addressing existing infrastructure needs with the LKPA for such things as improved parking facilities at beach access points, stringent management and control of unauthorised camping throughout the Lower Kalgan precinct, new foot paths (esp over Kalgan bridge), street lighting, road safety, traffic studies and road capacity assessments, future road linkages, road widening, public school facilities, reticulated water supply, emergency water supply etc etc
- Address future infrastructure needs in precinct planning, including road linkages throughout areas identified for future Special Residential zoning.
- Make infrastructure a regular agenda item for LKPA-Council Liaison meetings
- Considerer and plan for overall road linkages for general and emergency egress that caters for all landholders subjected to proposed Special Residential zoning if AMD303 is allowed to go ahead.

**Conflicting Land Uses**

In keeping with ALPS section 8.5, I agree that "*protection of priority and general agriculture land from incompatible land uses, developments and land-management practices*" should be assured.

The notion of placing an ad-hoc high density Special Residential land use development (as AMD303 proposes) central amongst an existing agricultural land use defies logic. Agricultural land use brings with it chemicals, dust, the noise and smell of animals and agricultural implements (eg tractors and gas guns) etc. Urban

land uses brings with it illegal access issues, domestic pets, weed management problems and the like.

Conflicting land use issues inevitably develop between landholders of disparately zoned land-uses. Existing agriculture land uses on properties adjoining proposed urban uses of AMD303 will inevitably clash, just as they already do for existing agricultural land users adjoining tourist and recreational features in the Lower Kalgan locality.

**Required Action by Council:**

While my preference is for the development not to be allowed at this point in time, I would suggest that should permission be granted that:

- a *very considerable* buffer zone of a minimum of 100m (ie half of once side of 1ha lot) between the AMD development and surrounding agricultural land is imperative and should be put in place.
- Buyers of AMD303 lots created must be made aware of adjacent land uses that are both different and fully authorised to their approved land use.

**Historical Attributes**

Candyup property is of known historical value. Council has a responsibility for ensuring state and national heritage values of the locality are acknowledged and addressed.

Historical values affected by the proposed AMD303 are yet to be assessed.

**Action Required by Council:**

- Ensure a full assessment of the historical values of Lot 50 by the developer prior to making a decision on AMD303
- Ensure historical assessment outcomes are incorporated into Precinct Planning

### **Indigenous values**

AMD303 application provides no information on the indigenous values of land subject to the proposed development. Again, council has a responsibility for ensuring indigenous heritage and cultural values are assessed and addressed.

#### **Action Required by Council:**

- Ensure a full assessment of the indigenous values of Lot 50 the developer prior to making a decision on AMD303
- Ensure an assessment of indigenous values is incorporated into Precinct Planning

### **Amenity Values**

Existing rural amenity values of the Lower Kalgan landscape are numerous. A few are as follows:

- They provide a fitting rural backdrop to a rural regional centre from all urbanised vantage points within the City of Albany
- They acknowledge the primary source of economic wealth for the region and its community
- Visitors and tourists can engage in a combined rural – beach – nature experience at the Lower Kalgan, and all within half an hour of and in relatively close proximity to the city centre
- Existing resident Lower Kalgan landholders are able to enjoy a landscape quality they intentionally bought into without fear of imminent change.

Developer driven development pressure on the Lower Kalgan precinct is significant, intense in its demand for immediacy of outcome. This is in spite of the ALPS identifying no demand for new lots in rural locations within at least the next 5 years

From the local level point of view, boundary setbacks will be an important consideration for maintaining view scapes and the privacy of adjoining landowner.

Rear and side boundary setbacks become irrelevant where best views are obtained from boundaries other than the front boundary of a property.

**Action Required by Council:**

- Ensuring a considerable 100m buffet between AMD303 lots and adjoining land allotments (as per conflicting Land Use Comments) will assist a great deal with controlling potential view scape problems.
- Boundary setbacks for individual lots should be assessed on a case by case basis, with the front boundary setback being changed to the boundary that captures the preferred view of an allotment.

**Weed Control**

Urban development brings with it altered management of existing weed species and an influx of potentially new weedy plant species.

Weed management has not been addressed in AMD303.

**Action Required by Council:**

- Ensure a full assessment of the weed species of Lot 50 by the developer prior to making a decision on AMD303
- Ensure a full weed species survey and management plan is developed for the Lower Kalgan in a Lower Kalgan precinct plan

**Environmental Values**

Oyster Harbour is a state and/or nationally registered wetland asset. Urban development brings with it alteration to water distribution and flow, increases of in nutrient inflows and a raft of other environmental impacts. The potential consequence of mismanaging any of these impacts can be of considerable state and/or national significance.

My specific comment on AMD303, is that I am concerned:

- That drainage for only the central portion of the proposed development is more fully addressed in the Scheme Amendment application, and
- That proposed roads are in fact being used as drainage collection lines and points, with outflows to properties on the western side of Lot 50 not being adequately addressed

I am also concerned about hearsay that requests by the EPA of the developer to address environmental issues are being flaunted.

**Action Required by Council:**

- Ensure environmental concerns raised by the EPA are addressed by the developer
- Ensure there be no escape of particulates, stormwater, effluent or other extraneous material to surrounding properties and wetlands
- Maximum amounts of vegetation must be retained on site and, if the development allowed to progress, increase vegetation plantings to solve nutrient enrichment and water flow problems

**Fire risk**

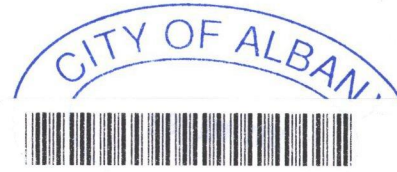
Based on the significant amount of community concern raised at various meetings of the Lower Kalgan community, fire risk and its management is a significant issue for consideration for any existing or future land used development in the Lower Kalgan.

Urban dwellers frequently are ill-informed of risk of fire in rural areas. Nor do they have a real understanding of the speed at which wildfire disseminates. The inexperience of urban communities with the threat that fire pose raised considerable concern for the Lower Kalgan community.

**Required Action by Council:**

- The experience of Lower Kalgan locals in fire management must be taken into account with the development of fire management plans

- Boundary setbacks must allow for easy access to the *entire* perimeter of the proposed AMD303 development (say minimum of 20m between AMD303 and adjoining properties)
- Emergency egress for fire management must take into account the increased risk of fire that will likely emanate with future urban development.



To City of Albany  
102 North Road Yakamia WA 6330

28<sup>th</sup> July 2012

To the CEO,

City of Albany Records  
Doc No: ICR1268669  
File: AMD303  
Date: 29 JUN 2012  
Officer: SPLAN2

Attach:  
Box:  
Vol:  
Box+Vol:

**RE: PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE 'RURAL' ZONE TO THE 'SPECIAL RESIDENTIAL' ZONE**

I would like to make a few comments upon the above proposal. My property is located next door to the above property, and due to the shape of my property, is fairly surrounded by it. My property borders the north side of Nanarup Road and west side of Hunton Road. It is a 14ha property of mostly cleared land.

Firstly, I wish to express to the council of Albany that my husband and I are aware of the need for more future 'special residential' properties. We support growth in our area of 'special residential' in this area, and think it be a suitable place to take in the beauty of the surrounds. However, we strongly request that our property be part of this same zoning also, for a number of reasons:

1. 'Special residential' zoning will surround our property. The Albany Local Planning Strategy shows that most of land to the north of Nanarup Rd is designated for Special Residential Development. We object to the fact that our land is not included, as there appears to be no rational planning reason. We request that when the Albany Local Planning Strategy is next reviewed, we be included in the 'Special Residential' zoning.
2. The eastern boundary of our property is on Hunton Road. Hunton Road is a natural border for the end of this zoning, with general rural zoning to the east of Hunton Road. These properties along Nanarup Road are of significant sizes compared to ours, and suit farming land use more than our smaller property. Therefore, we should be included in the rezoning.
3. Our land is similar in terms of soils, landform and vegetation, and so it only makes sense to include it in the same zoning as the proposed rezoning property.
4. Our property is too small to make a viable living from – in farming the land, and we are both teachers working for the education department, so have no desire to farm for a living.
5. Our property has magnificent views of oyster harbour, and also to the north hill. It would be in high demand for purchase if smaller blocks were made available in future.
6. Future planning should be fair and consistent, not favouring some landowners over others. Therefore, we should be included in the rezoning to 'special residential'.

Secondly, I wish to express a few concerns relating to vegetation loss of Lot 50 Nanarup Road. If the proposed subdivision goes ahead, we want a guarantee that no vegetation, degraded or good condition, be lost to the north or our property, as this hosts wildlife and often the endangered red-tailed black cockatoo. This is our view from all living areas of our house, and it would be catastrophic for us if this beautiful natural landscape was destroyed and replaced with housing roofs and sheds. We paid a significant price for our property for this very view, and would be devastated if the trees were removed for housing and roads. This will radically change the look of this landscape, and take value away from our property, plus lose the wildlife it currently supports. In keeping with the area, the trees need to be preserved.

Thirdly, Lot 50 is providing some infrastructure, which could support neighbouring subdivisions, such as a large water tank, firebreaks, and emergency access roads. If planning were done with an integrated approach, all neighbours would benefit.

Fourthly, local services to the area must be updated, such as the need for a new public school closer by – Flinders Park is already the largest primary school in the area, and is almost at capacity before new buildings are required to provide for the local intake of children from the zoned area. The local deli is not up and running anymore, nor very supported because it doesn't stock much, offer petrol or postal services. Council needs to support it reopening to service the people out here.

And finally, existing roads are an essential aspect the City of Albany MUST address, if this rezoning occurs, as there are several very dangerous areas on Nanarup Road, which need urgent attention. One is the Lower Kalgan Bridge; another is the Hunton Road/Nanarup Road intersection.

As written previously, we are in support of growth to this area, and think it to be an excellent area to take advantage of the magnificent water views, and rural landscape. We just want to be included in the rezoning; otherwise it would be completely unfair. The potential growth could be made with fellow neighbours along Hunton and Nanarup Roads directly next door to our property, who are all in favour of being part of the rezoning to 'special residential'. We are looking forward to planning together for the interests of all our neighbours, to keep this area a naturally beautiful, aesthetically pleasing area, which continues to support the existing wildlife and vegetation. The value of this land is currently high, and smaller blocks would be sought after, if planned in keeping with its surrounds. It is valuable land, and should be treated as such. We want the area to attract people who also value this landscape as much as we do.

Yours sincerely,



Our Ref: 09-35

28 June 2012

City of Albany  
PO Box 484  
ALBANY WA 6331

**ATTENTION: Jan van der Mescht**

Dear Jan

**RE: City of Albany Town Planning Scheme No. 3 Amendment 303  
Rezoning of Pt Lot 50 Nanarup Road.**

I refer to the above amendment which is currently being advertised for public comment.

The proponent has requested our company to lodge a submission to clarify a number of matters relating to the rezoning documentation. Some of these matters have been subject to detailed discussion between Council officers, the Department of Planning (DoP), Department of Water (DoW) and Department of Environment and Conservation (DEC). As a result, a number of modifications to the documentation are put forward for consideration.

**Subdivision Guide Plan**

- a. Include notation on the Subdivision Guide Plan that it is an indicative guide plan and that road alignments, drainage and lot design may be modified at detailed subdivision design stage of development following detailed engineering assessment of the site.
- b. Include notation on the Subdivision Guide Plan that at the time of development of the land, the area shown as subject to temporary perched winter water table shall be drained by the construction of engineering works such that perched winter water shall not appear on the surface of the lots.
- c. Include notation on the Subdivision Guide Plan regarding the access point onto Nanarup Road indicating that:

The access point onto Nanarup Road is indicative only and subject to verification by way of detailed engineering design at the subdivision stage of development.
- d. Remnant vegetation to be retained in private ownership and designated as 'vegetation protection area' or 'development exclusion area'.
- e. Designation of POS is supported where it can be used for active recreation. Designation of the drainage line in the central part of the site as POS was considered desirable where pathways could be incorporated and associated drainage basins could be designed and landscaped so they could be used for active recreation when not inundated.

Scheme Text

- a. Modify Clause 2 by a) changing the heading to read "Objectives of Special Residential Area 19", and b) modifying "purpose of the subdivision" to "purpose of the development".
- b. Modify Clause 3 (a) by deleting "Residential Dwelling House" and replacing with "Single House".
- c. Include a provision to ensure that where a provision in the amendment schedule is in conflict with any other of the scheme provisions, then the amendment schedule takes precedence.
- d. Include a provision to ensure that for the purposes of the amendment schedule, "development" is to also include subdivision, where the context requires.
- e. Modify Clause 4 such that within Precinct C, along the edge of the steeply sloping land, allow for a relaxation of the front building setback (4 metres suggested), so that buildings can be set back from the steeper land.
- f. Clearing of indigenous vegetation on any part of land which has an angle of repose steeper than the natural angle of repose of the soil following clearing should be avoided.
- g. If clearing is integral to any approved development and cannot be avoided, the soils in the cleared land are to be stabilised to prevent slippage to the satisfaction of Council.
- h. Amend provision 8.0 as follows:
  - 8.1 All lots are to be connected to a reticulated potable water supply.
  - 8.2 Notwithstanding 8.1 above, where it is not considered reasonable to connect to a reticulated water supply within the Lower Kalgan locality, self sufficient potable water supplies for lots are to be provided following subdivision, by way of a rainwater tank with a minimum capacity of 92,000 litres, to be installed contemporaneously with the construction of any habitable dwelling on a lot.
- i. Amend Clause 9.2 by including the following wording at the end of the clause "or the State government policy relevant at the time".
- j. Include additional provisions to;
  - ensure perimeter fencing is provided to each stage of development
  - Where keeping of stock is approved by Council on a lot then fencing shall be installed by the applicant on the lot to protect vegetation if present.
  - Include a provision requiring fencing to be placed around remnant vegetation, not through it.
  - Include a provision whereby an applicant seeking to lodge a subdivision application, should submit a fauna study if clearing of vegetation is proposed.
  - Include a provision requiring the use of ATUs unless it can be demonstrated to the satisfaction of Council at the time of application for approval to install a wastewater system that the soil types of the land is suitable for conventional on-site effluent disposal

General Comment

In relation to the advice and recommendations provided by the EPA in its letter dated 30 April 2012, it was agreed at the meeting held with DoP, DEC and DOW that;

- A targeted flora and fauna survey may not be required unless it was proposed to clear trees.
- Designation of the large triangular remnant in the south west of the site as POS was not supported and that instead it be designated as a landscape protection area or development exclusion area.
- Further land capability assessment at this stage of the process was not required.
- Use of ATUs is generally supported.
- Hazard separation zones could be reduced if buildings were designed to a higher standard.
- The impact of slashing, thinning or regular burning on remnant vegetation is understood and only fringe areas of remnant vegetation where the understorey had already been removed and was subject to extensive weed invasion would be incorporated into hazard separation zones.

A number of other issues were raised at a community meeting held at the Lower Kalgan Hall on 18<sup>th</sup> of June. These included:

- The need for a Precinct Plan for the Kalgan Cell to determine the need for linkages, community facilities etc. The proponent is supportive of the preparation of such a plan and notes that such plans are a key component of the ALPS implementation process. The proposed amendment makes provision for linkages with adjoining development and any requirement for community facilities can readily be accommodated in subsequent stages of development as required.
- The need for a traffic impact assessment. The need for a traffic impact assessment is normally required as a condition of subdivision approval. A key consideration will be access from the proposed development to Nanarup Road and will be subject to detailed engineering design.
- Provision of pedestrian access across the Kalgan Bridge. The proponent is supportive of and approach being made to Main Roads WA to provide such a facility and believes it should have been provided when the bridge was recently upgraded. The development of the Grammar School and proposed development to the east of the river was known at the time and it appears to be an unfortunate oversight that such a facility was not then provided.
- Upgrade of Nanarup Road. Nanarup Road has recently been upgraded and any improvements such as access to the proposed development will be considered as part of the traffic impact assessment at the subdivision stage of development.
- Bushfire management and the need for emergency access/egress and capability to deal with house fires. A detailed fire management plan will be required for the development and these issues can be addressed at that time.

- Buffers to surrounding rural zoned land. The proposed development is buffered by significant bush areas to the north and east and to the south the land is already zoned Rural Residential and tourist use. To the west a number of rural zoned properties abut the proposal. Significant areas of remnant vegetation along the western boundary already provide a buffer to the properties and appropriate setbacks /screening can be provided where needed.
- Stormwater management in major events and resultant erosion and export of nutrients. The proposed development provides an opportunity to considerably improve upon the current situation where there is little control over the export of fertilizers and animal effluent from the site in major storm events.
- Protection of historic features on the site such as the original cart track, house site and fruit trees. The design allows for the historic cart track to be integrated with the development as a fire management track and other feature can be incorporated into the design of the development.

Conclusion:

The Amendment No. 303 documentation includes detailed consideration of the land capability, vegetation, water and environmental management of the proposal to rezone it to the 'Special Residential' zone. This information has been prepared by appropriately qualified and experienced consultants. The EPA has assessed the proposal and cleared the proposal subject to some advice and recommendations. These matters have been discussed with the relevant agencies and as a result additional provisions have been put forward for inclusion within the scheme documentation.

The proponent believes that in the past many issues and objections have been raised in relation to the proposed development that have no basis in fact or science. It is requested that where issues of contention are raised that they be subject to assessment by appropriately qualified experts in their relevant field. The proponent is prepared to work with current legislation and government policy but objects to ad hoc, ill considered provisions that restrict the ability to achieve a high quality development that will do justice to this special site.

It is requested that the proponent be consulted as a matter of courtesy where modifications are proposed over and above those agreed to and documented above.

Yours sincerely

Nick Ayton  
**AYTON BAESJOU PLANNING**

Attention: Jan Van Der Mescht  
Senior Planning Officer  
City of Albany  
PO Box 484  
Albany, 6331, WA

Email: [staff@albany.wa.gov.au](mailto:staff@albany.wa.gov.au)

Dear Mr Van Der Mescht,

I write to you in response to the letter of 16 May 2012 sent from the City of Albany to my parents, (Moonlight Rd, Kalgan). The subject of the letter was *PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE "RURAL" ZONE TO THE SPECIAL RESIDENTIAL ZONE*.

While you will observe our address as outside the Albany region we have a very strong interest in the area. We have been regular holiday-makers to the Kalgan for more than 35 years. Our parents, ( ), ( ) of Moonlight Road and ( ) Mead Road are Kalgan landholders and ratepayers. We and our children holiday at the Kalgan for more than a month a year and it is our not distant plan to move from Fremantle to live on ( ) Moonlight Road.

We object to the proposal to rezone a portion of Lot 50 Nanarup Road to Special Residential and were disappointed by the lack of community consultation on this issue. On reading the text below from *The City Of Albany Town Planning Scheme No. 3 Amendment No. 303, Planning Report - Rezoning Portion Of Lot 50 Nanarup Road, Lower Kalgan From The Rural To Special Residential Zone* it has become evident that while the amendment was seriously being considered by the City of Albany in May 2010 it was not until the letter of 16 May 2012 that ( ) (as adjoining landholders on the western boundary of Lot 50 Nanarup Road) were informed of the proposed amendment.

*"At its meeting on 19 January 2010 Council resolved to advise the owner of Lots 50 & 51 Nanarup Road, Lower Kalgan that it was prepared to entertain a submission of a formal Scheme Amendment to rezone the lots from the "Rural" zone to the "Special Residential" zone. Council subsequently also resolved at its meeting on the 18th May 2010 to modify the draft Albany Local Planning Strategy (ALPS) to change the "Future Urban" designation to "Special Residential" for land on the north side of Nanarup Road which includes both Lots 50 and 51."*

We consider that the proposed scheme amendment and subdivision plan for Lot 50 Nanarup Road is not consistent with the existing zoning and land use in this area that currently provides the Kalgan area with a rural and low key development amenity that distinguishes it from the urban landscape of Albany. This amenity and rural charm is the primary reason that many landholders live and holiday in the area and we are concerned this will be rapidly lost through the development of any special residential subdivision. We believe that many landowners on the Kalgan area have similar concerns and that these concerns have been expressed to the Lower Kalgan Progress Association.

We would appreciate that the points within this submission are taken on board and that permission **IS NOT** granted to allow the rezoning of Lot 50 Nanarup Road from Rural to Special Residential. In the following table we have structured our concerns/objections regarding the proposed rezoning in the context of the City of Albany (Planning) level, Kalgan area level and finally at the level of the adjoining properties at Moonlight Road.

Yours sincerely,

Objections to "PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE "RURAL" ZONE TO THE SPECIAL RESIDENTIAL ZONE".

Planning level - City of Albany

Planning statement /Issue	How this will impact	Explanation
<p>The proposed subdivision is being done in accordance with Map 9B of the ALPS (Albany Planning Scheme) as endorsed by the WAPC (Western Australian Planning Commission) in October 2010. This includes changes for five areas including the area to the north of Nanarup Road and east of the Kalgan River endorsing that the area becomes a Special residential Zone. <b>This was done without community consultation.</b></p>	<p>This leads to a loss of good faith between locals and council</p>	<p>Such action is suggestive that community view is not desirable and that there may be other factors that lead to significant changes.</p>
<p>The land at 461 Nanarup Road is located approximately 19km north east of the Albany City centre on the eastern side of the Kalgan River and northern side of Nanarup Road. Land for Special Residential should be made available much closer to the City Centre, for example, Lower King, Milbrook and Wiluyung.</p> <p><i>The development also provides an alternative direction for urban development as Albany grows.</i></p>	<p>This land is distant from Albany Town.</p> <p>Development is based around arterial roads.</p>	<p>It takes in excess of 20 minutes to drive to the Albany City Centre through a large amount of already undeveloped land. In an era where people are becoming increasingly conscious of travel times and increased travel costs due to unprecedented fuel prices this is environmentally unacceptable and indicative of poor planning.</p>
<p><i>While high scenic values can be obtained from the site, the extensive remnant vegetation scattered over the property effectively screens the cleared areas, with the exception of a small portion of the ridge line in the north-west corner of the site.</i></p> <p><i>No clearing of remnant vegetation areas shall occur on the land zoned 'Special Residential' except for:</i></p> <ul style="list-style-type: none"> <li>• <i>clearing to comply with the requirements of the Bush Fires Acts 1954 (as amended);</i></li> <li>• <i>clearing within the prescribed area as may reasonably be required to construct an approved building and curtilage;</i></li> <li>• <i>trees which are dead, diseased or dangerous; clearing to gain vehicular access to an approved dwelling, construction of utilities, fence lines or any other clearing which may be approved by the Council; and</i></li> <li>• <i>clearing required to establish and maintain a low fuel buffer. Additional tree/shrub planting may be required as a condition of development approval. Fire retardant vegetation is recommended close to houses and in order to retain views from surrounding properties, shrubs and trees should be restricted in height to 3 metres</i></li> </ul>	<p>More pressure will be placed on remnant vegetation as a result of housing, roads, limb removal, root damage, loss of water infiltration, increased competition by introduced weeds etc.</p>	<p>Leads to an increasing loss of habitat for native wildlife and reduction in biodiversity and ecological value of the area.</p> <p>Large trees are habitat for many animals such as Tawny Frogmouth and Western Ringtail Possum, and the three species of Black Cockatoo. Trees in excess of 150 years of age with hollow branches provide nesting hollows for cockatoo and possums.</p>

Planning statement / Issue	How this will impact	Explanation
<p>ALPS notes that there is an abundant supply of 'Future Urban' lots available to cater for Albany's growth for the next 75 years. These 'Future Urban' areas are located to the west of the Kalgan and King Rivers and provide an opportunity for a more compact urban form that will accommodate approximately 94% of the new dwellings. By comparison, provision in ALPS for Special Residential development is limited and is estimated to accommodate approximately 3.6% of new dwellings over the next 75 years.</p>	<p>Given there is an excess of "Future Urban" more of the potential Future Urban that is closer to the City Centre and west of the Kalgan and King rivers should be set aside for Special Residential</p>	
<p>All <b>necessary</b> infrastructure such as power, potable water, sealed road access and telecommunications can be provided/extended to service the proposal. Nanarup Road and the Kalgan Bridge have recently been upgraded. A community hall is located on the opposite side of Nanarup Road and the Great Southern Grammar School and a local shop are located immediately west of the Kalgan River.</p>	<p>The Kalgan Community Hall is small hall that will provide limited resources to a Special Residential development covering 276 hectares.</p> <p>Great Southern Grammar is a private school only available to people with a preparedness to pay the fees.</p> <p>The local shop on the west side of the Kalgan river was set up as a small café and as a shop front for the Caravan park. To my knowledge this business is no longer operational.</p>	<p>These resources are of limited value to what will potentially be a large community. A lack of available facilities would suggest that land should be set aside in the development for future community facility development. These are of value and add to the functioning and sense of community at a social level leading to happiness of all that live within an area. This has been neglected.</p> <p>Community facilities are remote (for example: swimming pool, library, comprehensive shopping facilities, public schooling, pharmaceutical and medical services). Absence of services leads to a car dependent society, more traffic on roads and less inclusion of the very young, very old, less well to do and handicapped.</p>
<p>The site has agricultural potential but is just starting to be impinged upon by urban and other development</p> <p>Address Natural Resource Management considerations in balance with consolidation and sustainability objectives</p>	<p>There is currently no urban development in the area. All other development on the east side of the Kalgan River in the Nanarup Road area is rural to semi-rural.</p>	<p>Agricultural land adds to the sustainability of the local area and is important for producing of local produce, these being a draw card for tourists to the Albany area for example Willow Creek Strawberries. Candyup, Lot 50, as for much of the land in the Kalgan region has been important for beef production. It is in the developer's interest that this area be deemed to becoming encroached upon by urban land.</p>

Local Level – Lower Kalgan area	Planning statement/Issue	How this will impact	Explanation
<p><i>Integrate development with the landscape while providing for <b>bushfire protection and management</b></i></p> <p><i>Subdivision and development is to be in accordance with the Fire Management Plan for the land, as endorsed by FESA and the City of Albany and shall require the implementation and ongoing maintenance of the developer's, property owner's and local government's responsibilities as set out in that plan.</i></p> <p><i>The main issues with fire management are the reduction in fuel, the maintenance of firebreaks, the availability of machinery and water to fight fires and the provision of emergency escapes.</i></p> <p><i>Each landowner will be responsible for maintaining low fuel area/Building Protection Zone around their residence and associated outbuildings, in accordance with the following minimum standards:</i></p> <ul style="list-style-type: none"> <li><i>o 20m wide (min)</i></li> <li><i>o bush fire fuels must be maintained below 10cm in height;</i></li> <li><i>o trees and branches which may fall onto a house must be removed; and</i></li> <li><i>o lower branches of remaining trees must be trimmed.</i></li> </ul> <p><i>Lot sizes between 2000m<sup>2</sup> – 3000m<sup>2</sup> are recommended on the basis that stock are not permitted in order to facilitate revegetation. Experience has shown that revegetation is more intensive and affordable on smaller lots. Larger lots encourage keeping of stock which in turn reduce the amount of revegetation. As the steepest land abuts the property downslope to the west, the potential for stormwater to run across the boundary has been addressed by locating a road adjacent to the boundary. A site has been nominated for a café/tearooms which will need to be of a size to accommodate associated car parking.</i></p>	<p>More people in the area equates to more point sources for fires to begin.</p> <p>Fire breaks are NOT an established part of the plan for the <b>whole</b> development.</p> <p>The development is NOT surrounded by its own personal enclave of grazed, slashed or land with a low fuel supply.</p> <p>The space on a 2000 m<sup>2</sup> lot is not adequate to allow people to comply with these rulings</p>	<p>A protective fire break zone <b>MUST</b> be provided as a part of the development.</p> <p>Most properties are too small to enable fire-breaks. People can build to within 5 m of side and rear boundaries of properties (this leaves in-adequate space for effective firebreaks).</p> <p>There is no provision for fire-breaks to much of the perimeter area surrounding the subdivision. The only observable firebreaks are roads. And these do not fully encapsulate the development. Past history has shown that fire in the Kalgan area (approx. January 2000) jumps significant roads (Hunton Road and Nanarup Road) and moves with speed even on flat land. This will be considerably accelerated on hillsides.</p> <p>The development documents consistently write to suggest that blocks between 2000 and 5000 m<sup>2</sup> will encourage a well vegetated landscape that will increasingly become concealed due to vegetation growth. This is contrary.</p> <p>A block with an area of 2000m<sup>2</sup> and the smallest perimeter would have four sides of length approximately 45 m. Taking into account the low fuel requirements of a 20 m perimeter this would allow approx. 25m<sup>2</sup> for high fuel zones. This is not achievable.</p>	



Planning statement/Issue	How this will impact	Explanation
<p>Create high quality Special Residential lots which take advantage of views and amenity of the site</p>	<p>More people with limited local facilities will lead to more cars and busier roads, congestion of car parks at local beaches, more impact on the reserves adjacent to the Kalgan River, Nanarup inlet and Two Peoples Bay etc.</p>	<p>Reduced amenity for people who live in, holiday in and love the Kalgan area, an area with a rural, semi rural ambience.</p>
<p>Safety issues associated with adjoining residential to rural areas. For example farms have:</p> <ul style="list-style-type: none"> <li>• An abundance of open dams</li> <li>• Are involved in spraying</li> <li>• Use heavy machinery</li> </ul>	<p>Children's safety is put at risk</p>	<p>A protective buffer zone must be provided that protects those within residential areas from farm mishaps and those on farms from residential mishaps</p>
<p>Provision of Tea Rooms/Restaurant</p>	<p>Potential business failure</p>	<p>There has been a history of similar businesses being established in the Kalgan area and operating for a limited time then closing. Examples include the gallery facility that operated on Moonlight Road, The East Bank facility on the Kalgan River and the shop front established at the Kalgan River Chalets and Caravan Park</p>
<p>On site effluent disposal</p>	<p>There will be more phosphorous and nitrogen loading to the soils on a per hectare basis than currently occurs with grazing.</p>	<p>This will lead to more nutrients moving into groundwater, associated creek lines, the Kalgan River, Oyster Harbour and the waters beyond Emu Point, contributing to eutrophication. The end point will be lower water quality as a result of more frequent algal blooms and increased fish death. This will contribute to reduced sustainability of local fishing and aquaculture.</p>
<p>Storm water runoff will be disposed of on site wherever possible</p>	<p>Water runoff from the mid western boundary DOES NOT stay within the development</p>	<p>This will impact adjoining rural properties, could lead to erosion and a loss of water quality of local dams</p>

**Adjoining property level - Impact on Moonlight Road Lots 16 and 17**

Planning Statement/Issue	How this will impact	Explanation
<p>Land adjoining Moonlight Road Lots 16 &amp; 17 are currently noted as Precincts D and E. Lot sizes in Precinct D are recommended to range from 2000m<sup>2</sup> - 3000m<sup>2</sup> while lots in Precinct E range from 2000m<sup>2</sup> - 6000m<sup>2</sup>. While the proponent suggest that this area is sufficient to grow suitable vegetation to reduce visual impact this is not able to be done at the same time as managing fuel load for fires.</p> <p><b>Location of Buildings and Structures</b></p> <p>4.1 No building may be erected closer to the boundary of a lot than:  <i>from the frontage of a lot – 8m</i>  <i>from the side boundary of a lot – 5m</i>  <i>from the rear boundary of a lot – 5m.</i></p> <p>4.2 Notwithstanding 4.1 above, Council may approve a lesser distance and/or the averaging of front setback requirements where Council is of the opinion that the topography or shape of the lot or vegetation on the lot makes it desirable to approve such variations.</p>	<p>Due to small block size there will be the lack of ability for purchasers of lots in Precincts D and E to install suitable and safe buffer zones as well as provide adequate screening in the form of vegetation.</p> <p>Potential for land use conflicts are real.</p> <p>Visual Impact</p> <p>Potential of exposure to danger</p>	<p>In addition to a substantial low fuel fire protection zone the development MUST provide a visual barrier of local species of vegetation to effectively screen development from the farm.</p> <p>Fencing must be provided by the developer which is aesthetically pleasing (for example post and rail) that includes a deterrent for children and domestic pets crossing into the farmland.</p>
<p><b>9.4 Land Use Buffers</b></p> <p><i>Land Use Buffers relate to the potential for land use conflicts between the proposed and existing land uses and dwellings. The buffers could relate to noise, dust, odour, spray drift or other potential conflicts.</i></p> <p><i>Buffers to significant environmental features such as watercourses, wetlands, and heritage areas are also important and are considered separately.</i></p> <p>The potential land uses, on site conditions, location and distance to other properties, do not require any particular buffers.</p> <p>There are other similar lots locally. The proposed land use of small rural living lots is compatible with surrounding land uses.</p>		

Land Use Buffers and Recommended Management
<p><b>Buffers</b></p> <ul style="list-style-type: none"> <li>• No particular buffers are required to adjoining land uses.</li> <li>• Lot sizes are large enough to provide buffers and match lots in nearby areas.</li> </ul>
<p><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>• No significant buffers required.</li> </ul>

<p>Impact of Cats, Dogs and other 'pets' on local wildlife and farm stock.</p>	<p>Cats are a major predator of native animals</p> <p>Unmanaged domestic dogs are a known cause for stock loss</p>	<p>Moonlight Road Lots 13, 16 &amp; 17 are a haven for local flora and fauna including multiple bird species, a variety of frogs including the Moaning Frog, Bandicoots and Western Ringtail Possum. A major cause for loss of biodiversity within Australia is cats. A development such as this with no clear regulations to encourage the maintenance of biodiversity will further impact local populations reducing overall biodiversity.</p> <p>The cleared land on adjoining rural land is used for the grazing of sheep. Dogs from residential areas may harass and kill sheep.</p>
<p><i>Integrate development with the landscape while providing for bushfire protection and management</i></p> <p><i>Road networks should take account of the topography and be unobtrusive, and long cul-de-sac should be avoided. Consideration should be given to the use of road networks as strategic firebreaks.</i></p>	<p>The current proposal suggests that less than 20% of the adjoining boundary will be protected by any form of fire-break, and that the only forms of fire breaks will be a road.</p>	<p>Firebreaks are essential. With more people and more dwellings, sheds and other outhouses on 461 Nanarup Road there will be more potential point sources to start fires.</p> <p>The subdivision <b>MUST</b> provide adequate fire protection in the form of substantial fire breaks to adjoining rural properties.</p> <p>Fire also travels quickly in hilly areas impacted by coastal winds. The proposed subdivision will be heavily impacted winds from the west, through to the south and to the east.</p> <p>Fire has been observed in the Albany area and Perth Hills of recent times. Fire moves quickly, jumps roads and has inherent dangers.</p>

<p><b>5.0 Building Design, Materials &amp; Colour</b></p> <p>5.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Walls and roofs constructed of unpainted zincalume and off white colours shall not be permitted. Council will be supportive of darker shades of green, brown, reddish brown, blue and grey colours.</p> <p>5.2 Dwelling houses shall not exceed 7.5 metres in height measured vertically from the natural ground level.</p> <p>5.3 Notwithstanding 5.2 above, Council may approve a variation on steeply sloping land consistent with the height parameters established in the endorsed development guidelines as per Clause 6.1.</p> <p>5.4 If boundary fencing is utilised, it shall be of rural construction such as post and strand or post and rail to the satisfaction of Council. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket.</p> <p>As a condition of development, require a landscape plan to be prepared to help to screen the development without obscuring views from the property or adjacent neighbours.</p>	<p>Acceptable</p> <p>Unacceptable – too high</p> <p>Acceptable</p> <p>This is an acceptable component of the proposal, <b>however</b>, the development of Precincts D and E adjoining the boundary of Lots 16 and 17 Moonlight road IS NOT in keeping with this statement. Due to the smaller block size in these precincts the proposal will lead to a high level of visual impact to Lots 16 and 17 Moonlight Road.</p>	<p>Impacts future amenity of adjoining land</p> <p>A large buffer zone is needed that incorporates firebreak and a thick zone of local native plant species.</p>
--	---	--



Your ref: AMD303/PA37945/AMD303  
Our ref: 27.2.1.3.303 (12/11196)  
Enquiries: John Watson  
Phone: (08) 9842 4500  
Fax: (08) 9841 7105  
Email: John.Watson@dec.wa.gov.au

Mr Jan Van Der Mescht  
Planning Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331

Attention: Mr Van Der Mescht

Dear Jan

**PROPOSAL TO REZONE A PORTION OF 461 (LOT50) NANARUP ROAD FROM 'RURAL' ZONE TO THE 'SPECIAL RESIDENTIAL' ZONE**

Thank you for the opportunity to comment on the amendment to Town Planning Scheme 3 proposal to rezone a portion of 461 (Loy 50) Nanarup Road from 'rural' zone to the 'special residential' zone.

**BACKGROUND**

Lot 50 has been the subject of numerous proposals over the past few years involving DEC and the Department of Water, and prior to mid 2006 involving the former Department of Environment and the EPA (Amendment 233, File No 408/05).

Since December 2007 DEC has dealt with the following:

1. WAPC Application No 136690 (8 January 2008) seeking subdivision of Lot 50 into 3 sub-lots, A, B and C, each of ~ 79 ha and to be aligned adjacent to each other orientated N-S with proposed sub lot A adjoining the western boundary of Lot 50 and proposed sub lot C adjoining the east boundary of Lot 50 .
2. A SAT hearing in Albany (December 2008) following an appeal by the applicant against various conditions set in the conditional approval for subdivision as granted by the WAPC in April 2008. Following conclusion of the SAT hearing a brief inspection of the property was undertaken in the company of the applicant, his manager and other SAT attendees. Application WAPC 136690 lapsed on 23 April 2011.
3. An application for the granting of a Permit to Clear Native Vegetation on the portion of Lot 50 that is not included in the current re-zoning application, CPS 2994/1 was lodged 11 Feb 2009 two months after the SAT hearing. This included 10 sections of the internal boundaries between sub lots A and B (6 sections) and between sub lots B and C (4 sections).

The application sought approval to clear to a width of 6m on each side of the proposed boundaries between the sub lots thereby creating a 12 m wide clearing swathe through native vegetation. Three of the ten sections would have been cut through native vegetation that had been agreed through the SAT hearing to be fenced, with cadastral sub lot boundaries within such areas only marked by a light trace and bollards (Attachment 1). The clearing application was refused.

4. A month later a re-submitted subdivision WAPC 139546 (6 March 2009) on the same 3 sub-lot design as WAPC 136690.
5. A concurrent subdivision application WAPC No 139545 (also 6 March 2009) but proposing two sub-lots, one of which is a battleaxe lot which appears to be identical to the area now sought for rezoning.
6. A new application (CPS 3111/1) was lodged 28 April 2009 seeking approval to clear 1 ha of native vegetation in 2009 and an adjoining 1 ha in 2010 (Attachment 1). CPS 3111/2 was approved 6 September 2009 and extended the validity date through to 6 September 2014. It is not known whether any of the approved clearing has been undertaken.
7. Written advice to the WAPC responding to an appeal by the applicant against fencing conditions placed on both the concurrent applications, Items 4 and 5 above (the applicant's appeal was rejected by the WAPC).
8. A Scheme Amendment Request (SAR) covering all of Lot 50 and adjoining Lot 51 was lodged by the owner with the City of Albany in October 2009. At the request of the City DEC provided advice on the request. This request was recommended for refusal by council briefing officers but was carried 8-2 by the council at its meeting of 19 January 2010. Three days later the proponent's consultant advised that the rezoning application and scheme amendment would be amended to only address sub lot A (battleaxe sub lot of WAPC 139545) *ie* part only of Lot 50 only and no inclusion of Lot 51.
9. CPS 3111/3 which increased the approved CPS 3111/1 and 3111/2 from 2 ha to 3 ha was lodged 20 October 2011. This was accompanied by a Spring 2010 report by Mattiske Consulting Pty Ltd.

The SAT hearing referred to at Item 2 above was focused largely on conditions which required the fencing of native vegetation to protect it from grazing by stock. After hearing witness statements and cross examinations, a number of adjournments were requested by both parties during which the parties negotiated a set of agreed outcomes which were presented to the Senior Member and duly endorsed by the SAT. An internal report on the SAT process and outcome is attached for your reference (Attachment 2). You will see from the attached figure that three of the areas where the fencing condition was agreed to remain are either fully located or partially located on the Amendment 303 subject land:

- A triangular portion along the southern edge of the large area in the NW corner of Lot 50,
- An approximately triangular area near the lower western boundary, and
- A section of the E-W creek line adjacent to the western boundary near the southern boundary of the 'finger' that fronts Nanarup Road in the subject land.

In addition, the proposed eastern 'preferred access' shown on the Subdivision Guide Plan (but outside the amendment area) would also cross the E-W creek line fencing area within the balance of Lot 50.

Following the SAT agreement/determination, when the two concurrent subdivision applications were received a few months later DEC responded in the spirit of the mediated SAT outcome, however the proponent again appealed the fencing conditions which had been mutually agreed at the SAT hearing. As indicated above, the initial application for a Permit to Clear Native Vegetation, which was also inconsistent with the SAT outcome, was refused.

WAPC Applications 139545 and 139546 are both conditionally approved until 3 June 2012, however, DEC has not yet been approached by the applicant to clear the fencing conditions and there are now only a little over 3 months remaining for that to happen. It would now appear more likely that the current amendment proposal will supersede the two outstanding conditionally approved subdivisions. In the meantime the property has continued to be used for cattle grazing.

### COMMENTS ON SCHEME AMENDMENT 303

As indicated above, the amendment equates to the battleaxe proposed sub lot A of WAPC Application No 139545. The proposal documents are generally very well presented.

#### Section 3. Planning Context

Re-zoning to Special Residential with a minimum lot size of 2000 sq m is likely to be a better environmental outcome than higher density housing in terms of waste disposal, retention of vegetation and pasture and hence hydrological impacts, and landscape protection through the retention of trees to reduce visual impacts.

#### Section 4.1 Vegetation

It is stated in the main report and also in the land capability study that no known populations of declared rare or priority flora, threatened or proposed threatened ecological communities are known to occur on the property. However, the Spring 2010 flora survey located a population of Priority 3 Flora within the amendment area. Furthermore, two other species of Priority Flora, *Hakea tuberculata* and *Olx scalariformis*, occur within 50-700 metres of Lot 50, on adjoining properties to the east and/or to the west. The proximity of these populations suggests that one or both of these species may also occur on Lot 50, however, flora or vegetation surveys of the remnant vegetation on the property by Mattiske Consulting Pty Ltd failed to record these species.

**It is disappointing that there has been no reference to native fauna associated with the amendment area. This is despite DEC comments on the importance of the area for fauna made in response to all three subdivision applications for Lot 50 and also within the assessment of the three clearing applications.** In this context, irrespective of the ground level vegetation and flora values, the remnant native vegetation, also provides suitable resting and feeding habitat for three threatened avian fauna species which occur in the locality - Carnaby's Black Cockatoo (*Calyptorhynchus latirostris* - Schedule 1 - Fauna that is rare or is likely to become extinct), Baudin's Black Cockatoo (*Calyptorhynchus baudinii* - Schedule 1 - Fauna that is rare or is likely to become extinct) and the Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*). The Kalgan to Two Peoples Bay area to the east of Albany is an important 'overlap' zone between the natural ranges of the two white tailed cockatoos. There is also some evidence that Baudin's cockatoo has moved further south into this area in response to climatic change factors. Whereas the understory of several patches of remnant native vegetation on the property may now be degraded due to stock grazing and trampling, the trees and their canopy will continue to provide important roosting and feeding habitat for the cockatoo species.

No fauna surveys are known to have occurred on Lot 50. The lower reaches of the watercourse in the southern portion of the property appears to be suitable habitat for the native water rat (*Hydromys chrysogaster*), Priority 4 threatened fauna species if riparian vegetation is allowed to grow or can be re-established along this creek line.

Retention of native vegetation on the property also has an amenity and visual landscape value since the property is located on Nanarup Road, a major tourist road leading to Nanarup Beach and Two Peoples Bay Nature Reserve. The property is also visible from many parts of Albany and its surrounding suburbs.

Notwithstanding the statement at the end of Section 4.1, at a broader sub-regional level the remnant vegetation in the northern section of the property is connected through other vegetation on neighbouring properties to the Kalgan River foreshore corridor. This corridor extends from Oyster Harbour along the Kalgan River to the Porongurup National Park. Such landscape scale corridors are important as conduits for native fauna in response to changes in their habitat including the subtle changes now occurring as a result of global warming and decreased rainfall trends in the Lower Great Southern generally. In order to maintain the value of remnant vegetation in the long term it is critical that natural regeneration can occur. In cases such as Lot 50 where significant numbers of cattle have been allowed to graze within most areas of remnant vegetation this results in the trampling and eating of native plant and tree seedlings as well as the importation of weeds which then compete with native vegetation. Hence cattle must be excluded from native vegetation by the installation of stock-proof fencing, or, as the case here, replaced by a land use that does not continue with such damage.

#### Section 4.4 Hydrological Assessment and Water Management

It is stated that the southern E-W creek line lies outside the development area; however it would be crossed at least once either within the area or outside (or both) by the access road(s) from Nanarup Road, in both cases truncating the native vegetation that was agreed through the SAT outcomes to be fenced along the creek line (but allowing for limited stock watering access and a vehicle crossing). The amendment is currently silent on these crossings.

#### Section 7.1 Subdivision Guide Plan

Visual Amenity. The 5<sup>th</sup> dot point needs to include specific reference to the prohibition of reflective roofs and exterior wall construction.

#### Precinct A

The Hazard Separation Zone (HSZ) and Building Protection Zone (BPZ) should be located outside the agreed fencing boundary of the remnant native vegetation as determined through the SAT process (please see figure in attachment). Even if the vegetation is 'degraded' as claimed, this is largely due to the heavy stock grazing that has been allowed to continue plus wind drift of fertilizer regimes. Once stock are excluded the under-storey vegetation will re-establish with time. If necessary the fire protection building standards of houses backing on to the POS vegetation should be increased to BAL 29 or higher, thereby reducing the width of the HSZ.



## Precinct E

The same principle as recommended for Precinct A are required with regard to locating the BPZ and HSZ outside the agreed fencing area as *per* the SAT determination. This includes the remnant native vegetation within the amendment area and that adjoining its northern boundary as well as the diamond shaped remnant to be fenced due north of the dam which is located just outside the amendment area about half way along its eastern boundary.

## Appendix 1 Flora and Vegetation Assessments Mattiske Consultants 2009 &amp; 2010

## Section 2.3 Clearing of Native Vegetation

First sentence lines 2 & 3. It is DEC that administers applications and permits to clear native vegetation.

## Section 6 Discussion

DEC believes that the larger blocks of higher quality native vegetation which are either within or overlap into the amendment area, and which lie less than 1 km from the Kalgan River and within 200m of other remnant native vegetation between the river and the amendment area, are important in the context of landscape scale connectivity and/or as 'stepping stones' for avifauna and some native mammals.

## Figure 2

The northern third of what appears to be labeled as Block B is in better condition than the southern two thirds which has been sought for clearing. At the time of the post SAT field visit of December 2008 there was a clear distinction in vegetation quality co-incident with an old (and still largely functional) fence line. This confirmed the assessment based largely on aerial photography prior to the SAT. The Mattiske field work was undertaken some 3 months later than the field visit in March 2009 during which time the condition of the northern section may have been allowed to deteriorate due to failure to maintain this fence line and the subsequent entry of stock. However, if that was the case and even if grazing has continued since, such impacts should be easily reversed if fencing and weed removal are undertaken.

The area in question is outside, but at its western SW point is adjacent to the amendment area, and hence has been identified as an area of quality vegetation that should not be included within the HSZ of residential lots within the adjoining amendment area.

## Supplementary Survey – Spring 2010

## Section 1 Summary, Figure 1 and Section 7 Conclusions and Recommendations

The Priority 3 taxon, *Goodenia sp* is described in the text of both sections as being located in *Degraded Condition* vegetation. However, the location shown in Figure 1 places the P3 Flora in vegetation shown as *Good Condition* and very close to *Very Good Condition* vegetation in Figure 2 of the 2009 flora and vegetation survey. Even if the location and/or vegetation condition are incorrectly ascribed and the occurrence is in fact within *Degraded Condition* native vegetation, this is a good demonstration as to why the *Degraded Condition* outer areas of the remnants previously identified to be completely fenced should not be included within fire any HSZ and the vegetation should be allowed to recover to the complete area designated for fencing protection.

## Appendix 2 Land Capability and Geotechnical Assessment

## Summary page vii and Section 8.1 Flora and Fauna page 46

The Spring survey by Mattiske Consulting identified a Priority 3 *Goodenia sp* within the amendment area. The statements that there are no Priority Species present are therefore incorrect.

## AGENDA ITEM 2.3 REFERS

Fauna page 47. This section is based largely on speculation and there have been no fauna surveys *per se* in the amendment area. The peppermint woodland occurrence is isolated and may well be due to artificial introduction.

DEC notes that some of the issues raised above have been discussed in the meeting held at DoP on 18 June 2012 with the proponent and various consultants. DEC was encouraged by the discussion at the meeting and expects that the discussion points will address some of the issues raised above. However until such time that these are reflected in the amendment the above comments still stand.

Thank you again for referring the Rezoning Proposal for our comment.

Yours sincerely



Deon Utber  
A/REGIONAL MANAGER

27 June 2012

**Jan Van Der Mescht**

---

**From:** Planning (External Use ONLY)  
**Sent:** Wednesday, 27 June 2012 10:30 AM  
**To:** Jan Van Der Mescht  
**Subject:** FW: EF1268282 - AMD303 - FW: Feedback form

**SynergySoft:** EF1268282 - AMD303

FYI

Jessica Davidson  
Administration Officer - Planning

Tel: (08) 9841 9383  
Fax: (08) 9841 4099

PO Box 484 | Albany | WA | 6331 (102 North Road Yakamia)  
Web: [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

Please consider the environment before printing this email.

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

From: Records  
Sent: Wednesday, 27 June 2012 8:32 AM  
To: Planning (External Use ONLY)  
Subject: EF1268282 - AMD303 - FW: Feedback form

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

From: City of Albany mailer [<mailto:root@localhost>]  
Sent: Tuesday, 26 June 2012 9:56 PM  
To: Records  
Subject: Feedback form

This e-mail was sent from the feedback form on the City of Albany website and is to be directed to [planning@albany.wa.gov.au](mailto:planning@albany.wa.gov.au).

-----  
Full name: Geoffrey Mitchell  
Phone: 0438 801 191  
E-mail Address: [woodthorne@bigpond.com](mailto:woodthorne@bigpond.com)

-----  
Residential Address:  
34 Ridley Road  
Kalgan, 6330  
WA, Australia

Postal Address:  
PO Box 1268  
Albany 6331  
WA, Australia

-----  
26 June 2012

Chief Executive Officer,  
City of Albany,

AGENDA ITEM 2.3 REFERS

PO Box 484,  
Albany WA 6331.

Re PLANNING AND DEVELOPMENT ACT 2005  
CITY OF ALBANY  
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION TOWN PLANNING SCHEME NO.3 -  
AMENDMENT NO.303

Subdivision Lot 50 Nanarup Road, Kalgan, City of Albany

Dear Sir/Madam,

I would like to state my concerns with the proposed rezoning of lot 50 from  
"rural" to "special residential" .

In opening, I will state that I am not opposed to development per se, but I am opposed  
to the proposed rezoning.

☺ This is out of keeping with the zoning of the Swan Point development which is  
zoned "special rural" . As a result the lot size will be much smaller than those on  
the south side of Nanarup Road opposite the proposed development.

☺ This degrades the visual outlook of our property and potentially degrades its  
value.

☺ Zoning of Lot 50 to "special rural" in keeping with the current zoning of  
the land to the south of Nanarup Road would be more consistent with the current land  
use.

☺ Zoning of lot 50 and adjacent properties as special residential will, in the  
future, increase pressure for current landholders in the Swan Point subdivision to  
request rezoning, particularly of the larger lots. Under current guidelines this will  
not be permitted which will produce a situation of marked inequity.

☺ The intensity of the proposed development, and future development of this and  
adjacent sites, will impose a significant increase in traffic on Nanarup Road without  
any provision for pedestrian / bicycle access over the Lower Kalgan Bridge. (The town  
planning report commissioned by the developer states: "Nanarup Road and the Kalgan  
Bridge have recently been upgraded" ). Any significant upgrade was more than 10 years  
ago and certainly has not included dedicated pedestrian / cyclist access.

Thank you,

Geoff Mitchell

-----

IP Address: 121.215.35.15

Referer:

<http://www.albany.wa.gov.au/website/page.php?main=feedback&receiver=45&folder=23e>

---

This email, and any attachments, contain confidential information which is intended  
only for use by the addressee. If you are not the intended recipient, please notify us  
immediately and delete this email.

Unauthorised use of the contents is expressly prohibited. Any views expressed in this  
communication are those of the author except where specifically stated that it is the  
view of the City of Albany. As unencrypted email may not be secure, we cannot  
guarantee reliability, completeness or confidentiality. Any attachments should be  
checked for viruses and defects prior to opening. We do not accept any liability in  
these respects.

---

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>

---

**Jan Van Der Mescht**

---

**From:** Planning (External Use ONLY)  
**Sent:** Wednesday, 27 June 2012 10:24 AM  
**To:** Jan Van Der Mescht  
**Subject:** FW: EF1268275 - AMD303 - FW: Albany Town Land Planning Scheme amendment 303 lot 50 Nanarup rd.

**SynergySoft:** EF1268275 - AMD303

FYI

---

Jessica Davidson  
**Administration Officer - Planning**

**Tel:** (08) 9841 9383  
**Fax:** (08) 9841 4099



PO Box 484 | Albany | WA | 6331 (102 North Road Yakamia) | [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

[Please consider the environment before printing this email.](#)

---

**From:** Records  
**Sent:** Friday, 22 June 2012 10:53 AM  
**To:** Planning (External Use ONLY)  
**Subject:** EF1268275 - AMD303 - FW: Albany Town Land Planning Scheme amendment 303 lot 50 Nanarup rd.

---

**From:** [REDACTED]  
**Sent:** Friday, 22 June 2012 10:48 AM  
**To:** Records  
**Subject:** Albany Town Land Planning Scheme amendment 303 lot 50 Nanarup rd.

Mr. Jan Van Der Mescht, Dear Sir, Your letter dated May 16 which we we only picked up at Lower King PO on May 24, and I now understand was circulated separately to adjoining immediate neighbours and advertised in some local free papers. This has left us very little time to inform other people and help organise a small meeting at the Kalgan Hall on June 18 and learn of the June 28 deadline! However, I now submit as follows:-

\* The proposal to rezone a portion of 461 Nanarup Rd from 'Rural' to 'Special Residential', seems to be very much planning in isolation of all of the surrounding landscape. No advice has been given on the impact to our adjoining properties, ie set back, intrusional aspect, safety etc.

\* From the discussion of plans last night it appears that some attractive farming land north of the Lower Kalgan Bridge presently zoned 'Rural' is now proposed as 'Special Residential'. In my opinion it would be unwise planning to treat this section of 461 (lot 50) Nanarup Rd., being the steeper country adjacent to Mt. Boyle which is only part of an open hilly padock with a view and lots of drainage problems.

\* This proposed steep area needs to be treated very carefully and in association with the rest of the landscape because of the of the greater potential hazards of soil and land degradation. Even average and certainly unpredictable heavy run off would put considerable pressure onto the Kalgan River mouth and the Oyster Harbour environment.

## AGENDA ITEM 2.3 REFERS

\* The writer also noted community concern expressed regarding lack of sufficient attention to the surrounding neighbours, many of whom have smaller properties, but large enough for further subdivision and would feel the brunt of insufficient safeguard to protect their holdings from the possible land degradation outlined above.

\* Another important matter discussed at the meeting was the Bush fire some 12 Years ago and what a threat this would have been to such a small separate urbanised residential development. The proposal does not seem to have been planned sufficiently for such an eventuality with wide safe fire breaks. In fact there seems no provision on the western boundary adjacent to our property for a satisfactorily wide divisional break with suitable trees and clear park land verges. Whatever is intended on the developers own property also needs to be identified.

\* I feel strongly there is a lack of local facilities to cope with the possible settlement after the release of this more attractive hilly landscape, particularly if 250 more families were required to share Lower Kalgan's already strained resources:- Public educational facilities in the form of a State School and or bus services: The Lower Kalgan Bridge presently with no safe pedestrian access which has been the subject of lobby for 15 years or more: Corner street lights at the bridge ends are a must for immediate safety: Also at Hunton Rd., a very dangerous junction terminal from Nanarup with only a 160m down hill decline from the corner. Other street corners needing street lights would have to be Norwood Rd. from Chester Pass Rd. and Nanarup Rd. to junctions with Prideux, Mead, Kalgan Heights, East Bank and Gull Rock Rds.

In summary I am not in favour of such a relatively small separate release in isolation with this attractive piece of useful rural property over looking Candyup Creek and Nanarup Rd. Quite obviously it is premature to the existing demand for residential property. There being so much land around Albany City now we could further lower the general value of existing land by contributing further to the existing over supply. Futhermore there is a very real danger that the premature singular development of sealed roads, waste disposals and buildings on this very select steep agricultural land in question could create devastating pollution, erosion and landscape degradation to this existing scenic water environment of the Kalgan River and Oyster Harbour region.

It further occurs to me that this whole busines is being conducted with too much haste and more time should be on our side for planning to protect this pristine area which is so important that it should not be hurried. Indeed the Lower Kalgan Progress Ass. which has had a very important historical association within this region seems to have been totally ignored in this semi prioritised isolated proposal, and should be allowed sufficient time to formulate a proper submission to help achieve a satisfactory conclusion.

**Jan Van Der Mescht**

---

**From:** Planning (External Use ONLY)  
**Sent:** Wednesday, 27 June 2012 10:28 AM  
**To:** Jan Van Der Mescht  
**Subject:** FW: EF1268279 - AMD303 - FW: Feedback form

**SynergySoft:** EF1268279 - AMD303

FYI

Jessica Davidson  
Administration Officer - Planning

Tel: (08) 9841 9383  
Fax: (08) 9841 4099

PO Box 484 | Albany | WA | 6331 (102 North Road Yakamia)  
Web: [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

Please consider the environment before printing this email.

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

**From:** Records  
**Sent:** Wednesday, 27 June 2012 8:32 AM  
**To:** Planning (External Use ONLY)  
**Subject:** EF1268279 - AMD303 - FW: Feedback form

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

**From:** City of Albany mailer [<mailto:root@localhost>]  
**Sent:** Tuesday, 26 June 2012 9:55 PM  
**To:** Records  
**Subject:** Feedback form

This e-mail was sent from the feedback form on the City of Albany website and is to be directed to [planning@albany.wa.gov.au](mailto:planning@albany.wa.gov.au).

-----

-----

26 June 2012  
Chief Executive Officer,  
City of Albany,  
PO Box 484,



## AGENDA ITEM 2.3 REFERS

Albany WA 6331.

Re PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION TOWN PLANNING SCHEME NO.3 - AMENDMENT NO.303

Subdivision Lot 50 Nanarup Road, Kalgan, City of Albany

Dear Sir/Madam,

I would like to state my concerns regarding the proposed development of the above mentioned site for your consideration.

Our family moved to our Lower Kalgan property ten years ago, a location we selected because of its rural environment. We purchased a 40 acre (16 hectare) block to secure our own rural location, acknowledging that with the zoning of our property and the surrounding blocks as "special rural" development of this area would occur however we would have our own rural buffer zone to this development.

The remaining land, the land that provides us with a rural outlook, has until this current proposal, retained its rural zoning and although we have been aware that further development would eventually occur we were confident that zoning of this area would be in line with the zoning of our area and that the remaining land would most likely be redeveloped with a similar "special rural" zoning.

Therefore my opposition to the proposed rezoning of the above mentioned site is not that the area is being developed but that it is being considered for zoning as "special residential", allowing lots as small as 2000m<sup>2</sup>. That this will change the whole character of this area, and undermine the reason that those of us that live here have indeed chosen to live here. This needs to be taken in to consideration by the council.

For those that want to live in that level of residential density there are plenty of options available in and around Albany, however the for those of us that truly want to enjoy living in the country and not just have a house block with a view, our options are being eroded by Council agreeing to consider these ad hoc changes to zoning at the request of developers.

We moved to the country for a peaceful life, however we find instead that the wolves are not far from our door.

Thank you,

-----  
IP Address: 121.215.35.15

Referer:

<http://www.albany.wa.gov.au/website/page.php?main=feedback&receiver=45&folder=23e>

---

This email, and any attachments, contain confidential information which is intended only for use by the addressee. If you are not the intended recipient, please notify us immediately and delete this email.

Unauthorised use of the contents is expressly prohibited. Any views expressed in this communication are those of the author except where specifically stated that it is the view of the City of Albany. As unencrypted email may not be secure, we cannot guarantee reliability, completeness or confidentiality. Any attachments should be checked for viruses and defects prior to opening. We do not accept any liability in these respects.

---

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>

---

28 June 2010

The Chief Executive Officer  
City of Albany  
PO Box 484  
ALBANY WA 6330

Dear Madam/Sir,

**Public Comment      PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP  
ROAD FROM THE 'RURAL' ZONE TO THE 'SEPCIAL  
RESIDENTIAL' ZONE (AMD303)**

Thank you for the opportunity to comment of the above mentioned Scheme Amendment AMD303.

I am a long term resident of Albany currently residing in Spencer Park and with rate paying interests in Breaksea, Kalgan and Frederickstown wards of the City of Albany. I have previously conducted business from and lived in the Lower Kalgan, and still belong to and am active member of the Lower Kalgan Progress Association.

While accepting of the prospect for change in the Lower Kalgan precinct, I hold many concerns in relation to the development proposed in AMD303.

I am also very much of the view that 'Future Urban' and 'Special Residential' zoning proposals have not been well advertised and discussed amongst the broader Lower Kalgan community, the community that will be most affected by immediate and massive changes that can be expected should AMD303 proposal be approved by Council .

In view of the significance of this development proposal on the Lower Kalgan community and precinct, along with Council's awareness of inherent community concern, it is additionally my very strong view that Council has made less than a satisfactory effort toward engaging and coordinating community input into discussions leading up to endorsement of proposed rezoning changes.

In terms of the current AMD303 proposal before us, I ask that Council take immediate steps to engage further community input into precinct planning for the Lower Kalgan.

I seek for the Lower Kalgan community considerable opportunity to be involved in the shared development of one coordinated precinct plan for the entire locality. This plan should be developed in a timely and planned way, involve input from all community, public and private

stakeholders, and address all aspects of environmental, social and economic values pertaining to the locality.

I find it deplorable that in researching my comment offered here on AMD303 that I have read of instances where Council – my Council and our Council – has repeatedly chosen to ignore professional and sound council officer advice to not support Scheme Amendment Requests and Scheme Amendment applications pertaining to Lot 50 Nanarup Road.

I am equally aghast to find reference to Council choosing not to step outside the boundaries of legal ‘norms’ even when advised by Council officers of its potential to do so given its knowledge of considerable untapped community interest on development issues pertaining to the Kalgan precinct.

The Lower Kalgan community is an exceptional community with a very strong sense of community. Please take different and active steps from here on to ensure Council better engages and taps into the energy and enthusiasm the Lower Kalgan community has for maintaining and continuing to develop a great place for us all – locals and non-locals alike.

Finally, I request Council please records all points of concern raised in my submission and suggestions offered for amending these concerns.

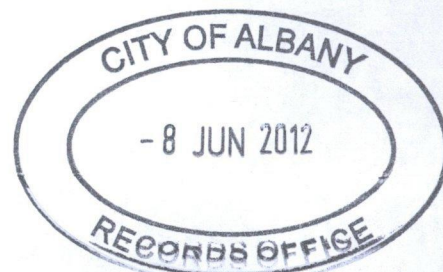
I look forward to hearing the outcome of Council deliberations with great interest.

Yours sincerely,

Cc: Honourable Mayor, City of Albany  
Councillors, City of Albany



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



Dear Sir/Madam

**COMMENT: PROPOSAL TO REZONE A PORTION OF 461 (Lot 50) NANARUP ROAD, KALGAN.**

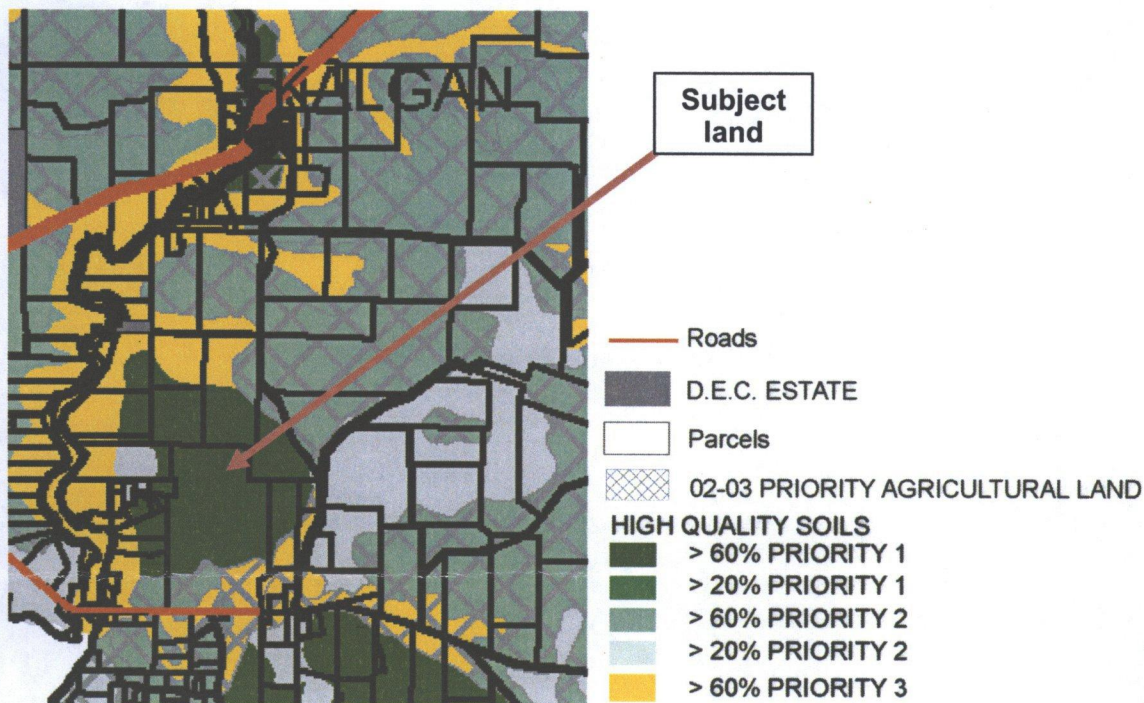
Thank you for the opportunity to comment on the proposed rezoning of a portion of Lot 50 (461) Nannarup Road (property locally known as Candyup) in the Kalgan area from "Rural" to "Special Residential".

The Department of Agriculture and Food (the Department) strongly objects and **does not support the proposal** to irreversibly rezone the subject land, potentially leading to the redevelopment into subdivided special rural residential lots for the following reasons:

1. The supporting documentation overlooks the significant heritage value of the property. This block represents one of the original farming titles held and farmed in the area by one of Albany's original farming settlers – Mr. Patrick Taylor. There appears to be no indication in the supporting documentation in regard to Heritage Planning across the property, on or around the original homestead (now in ruins).
2. It is unclear why the summary of the land capability assessment presented in the supporting document determined that the block has little or no high value agricultural potential, especially given that historically a fruit orchard was grown on the property – noting relict fruit trees evident in historical photographs. Also with small-scale orchards grown to the east of the property in previous years, and a successful, currently operating, small scale orchard (Nickolos) to the west – all on similar soils and landscape positions represented on this block. It is acknowledged, however, that some portions of the block have steep slopes – unsuitable for annual horticulture and other areas susceptible to waterlogging.
3. The property has soils and landscape positions suitable for developing large dams suitable for irrigation, and a water resource pipeline at the front boundary of the property. This indicates that the block has both suitable soils and a potentially suitable and secure water resource to maintain the high value intensive agriculture into the future.



4. While noted that the land is not set aside for 'Local' Priority Agriculture by the Albany Local Planning Scheme (ALPS), approximately 50% of the front portion of the block has been identified as Agricultural Land of State and Regional Significance which is illustrated in the Lower Great Southern Region Strategy. Refer to Figure 1.
5. Recent refinements (2010) to the 2003 Priority Agricultural Land (PAL) mapping, which now incorporates high quality soil and land resource information together with water resource availability and lot size, identifies the whole Candyup property as having greater than 60 per cent of **Priority 1** High Quality Agricultural Land (i.e. highly capable land for a diverse range of intensive agricultural pursuits including irrigated agriculture). Refer to Figure 1.



**Figure 1. Map presenting both the published Priority Ag Land (PAL) analysis and the draft High Quality Agricultural Land for the Kalgan area – this image illustrates the Candyup property as having the highest quality agricultural soils (Priority 1) which is unique for the Albany region.**

6. There are significant stands of remnant vegetation (hill slopes and minor riparian) on the block that should be protected / preserved. The Flora & Vegetation assessment undertaken by Matiske Consulting is comprehensive and acknowledges future planning for these areas. Consideration needs to also be given to the potential deterioration (or removal) of the vegetated areas which could result in potential hill slope soil erosion issues. Any clearing of vegetation on this block should be reviewed by the Dept. of Environment and Conservation in association with the Soil and Land Conservation Act.



7. The supporting assessment document does not address the potential for future land use conflict for surrounding enterprises, and it is therefore it is recommended that an Agricultural Impact Assessment (as presented in Appendix 3 of the State Planning Policy No. 2.5) is undertaken.

Any changed land use on agricultural land needs to include sufficient buffers on the re-zoned land to minimise land use conflict. To ensure agricultural operations on land next to re-zoned areas are not restricted, the Department recommends that minimum setbacks, buffers and vegetation screening should be incorporated in accordance with the guidelines published by the Environmental Protection Authority ("Separation Distances between Industrial and Sensitive Land Uses"). These guidelines set out minimum separation distances for a range of agricultural activities and are available on the Environmental Protection Authority's website at [www.epa.wa.gov.au/docs/1840\\_GS3.pdf](http://www.epa.wa.gov.au/docs/1840_GS3.pdf)

***In summary:***

The irreversible loss of this land through (portion) rezoning compromises the availability of high quality large land parcels suitable for irrigated intensive agriculture in the Albany region, particularly those with a combination of good soils, good water quality and with close proximity to major freight /transport routes and export facilities.

The land clearly demonstrates that it is capable of supporting an intensive agricultural industry, given the proximity of other nearby intensive agricultural pursuits (orchards, vineyards, olive groves, berry farms, intensive beef production, and agri-tourism, etc).

The property comprises high quality niche soil types which are preferred in the Lower Great Southern Region for intensive food production - specifically perennial horticulture for stone fruits, citrus, etc. Large land parcels with the combination of favourable annual and perennial horticulture growing conditions are becoming very scarce around the Albany area with increased subdivision and rural rezonings. The irreversible rezoning of these high quality land parcels (assets) compromises food security, agricultural diversity and economic prosperity for the City of Albany and Lower Great Southern Region.

The illustration presented in Figure 1 shows that this block is agriculturally significant (and unique) for the Albany area both in land size and land quality. The loss of this land to subdivision for rural residential development would be a travesty.

If you have queries regarding the comments, please contact Tim Overheu on 9892 8444 or [landuseplanning@agric.wa.gov.au](mailto:landuseplanning@agric.wa.gov.au)

Yours sincerely,

Steve Porritt

**DIRECTOR  
SOUTHERN AGRICULTURAL REGION**



Department of Water  
Government of Western Australia



AGENDA ITEM 2.3 REFERS

AMD303  
Jan.

Your ref: AMD303/PA37945/AMD303  
Our ref: SC1506 / SRS 24132  
Enquiries: Karen McKeough, Ph: 9841 0128

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



Doc No. City of Albany Records  
ICR1268297  
File: AMD303  
Date: 27 JUN 2012  
Officer: SPLAN2

Attn: Jan Van Der Mescht

Attach:  
Box:  
/of:  
Box+Vol:

Dear Madam

**City of Albany TPS 3 Amendment 303 – Pt Lot 50 Nananup Rd, Lower Kalgan**

Thank you for the opportunity to comment on the above proposal. The Department of Water provides the following comments.

**Protection of waterways**

While the subdivision layout has not been defined, the department would recommend an appropriate setback from the central drainage swale. As the detailed stormwater management plans are prepared, this swale could be developed into a 'living stream'. This would still provide for the conveyance of stormwater, but should also achieve improved water quality outcomes and ecological functions.

The department will request a foreshore management plan and an urban water management plan at the time of subdivision.

The department would recommend a single crossing of the waterway to enter the development area. The preference would be to upgrade the existing crossing so as to minimise the impact upon riparian vegetation.

Should you wish to discuss this matter further please contact Karen McKeough.

Yours sincerely

**RACHAEL DUFFIELD  
ACTING REGIONAL MANAGER  
SOUTH COAST REGION**

25 June 2012





Government of **Western Australia**  
Department of **Education**

AGENDA ITEM 2.3 REFERS

AMD303  
Jan.

Your ref :  
Our ref : D12/0317116  
Enquiries :



Mr Jan Van Der Mescht  
Senior Planning Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331

City of Albany Records  
Doc No: ICR1266162  
File: AMD303  
Date: 28 MAY 2012  
Officer: SPLAN2

Attach:  
Box:  
Vol:  
Box+Vol:

Dear Mr Van Der Mescht

**PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE 'RURAL' ZONE TO THE 'SPECIAL RESIDENTIAL' ZONE**

Thank you for your letter dated 16 May 2012 regarding the proposal to rezone a portion of Nanarup Road from the rural zone to the special residential zone.

The Department of Education has reviewed the document and advises that the Department has no objection to this proposal.

Yours sincerely

RICHARD BLOOR  
PRINCIPAL CONSULTANT  
STRATEGIC ASSET PLANNING

23 May 2012



Government of **Western Australia**  
Department of **Health**

Your Ref: AMD303/PA37945/AMDAMD303 ICR1024652  
Our Ref: F-AA-01850/03 EHB12/1253  
Contact: Vic Andrich  
Phone: 9388 4978

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

Attention: Jan Van Der Mescht, Senior Planning Officer

Dear Mr Van Der Mescht

**PROPOSAL TO REZONE A PORTION OF 461 (LLOT 50) NANARUP ROAD TO 'SPECIAL RESIDENTIAL' ZONE**

Thank you for your letter dated 16 May 2012 requesting comment from the Department of Health (DOH) on the above rezoning.

The DOH provides the following comments:

**1. Onsite Wastewater Disposal**

The geotechnical report of the site by Landform Research indicates that wastewater disposal on the site is:

- constrained by steep slopes within Precinct C, and
- water logging and inundation due to perched water table within Precinct B.

Unless lots proposed in these precincts are sufficiently large to exclude wastewater disposal areas away from steep slopes and winter water logging/inundation, the creation of lots in these precincts is not supported.

A Subdivision Guide Plan that takes into consideration the site constraints for wastewater disposal will need to be submitted for further consideration.

**2. Mosquito-borne Disease Control Programs and Services**

The subject land is in a region that occasionally experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV diseases occur annually in the Albany area, with 63 cases of RRV reported from the City of Albany in the 2011-2012 season.

In order to protect the health and lifestyle of communities, land use planning decisions must include consideration of the proximity to breeding habitat of mosquitoes and other nuisance or biting insects (e.g. chironomid midges, ceratopogonid midges, March flies) and whether insect management, if required, will be

- effective,
- appropriately resourced; and
- be approved by the relevant environmental agencies

Mosquito breeding sites may be either natural wetlands or constructed water bodies. For this reason, careful planning and consideration must be given to the design and location of 'liveable communities' and social infrastructure, such that there are buffer zones between water bodies and developments that reflect mosquito dispersal distances. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed or maintained.

The City of Albany need to be confident that they can manage the risks from mosquitoes and mosquito-borne diseases on public health and the severe impacts they can cause on the quality of life of residents.

For further information on mosquito management contact the Mosquito-Borne Disease Control Branch of the DOH.

### **3. Pesticide Safety Programs and Services**

The proposal provides little information about the details of surrounding land uses. Although there is a mention that all surrounding land is rural living and a statement that no significant buffers are required, it lacks evidence to support the conclusion. Therefore, health concerns remain regarding the potential for conflict between the new subdivision and what is left of the surrounding rural land activities in respect to spray drift.

It is recommended that the applicant discuss the potential of any spray drift issues with the Local Government Environmental Health Officer to clarify the buffer needs and ensure no incompatible land uses will occur from the proposed land uses.

### **4. Health Impact Assessment**

You may wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process.

For your information and guidance, you may access the relevant information at the following sites:

HIA - [http://www.public.health.wa.gov.au/2/1400/2/health\\_risk\\_assessment.pm](http://www.public.health.wa.gov.au/2/1400/2/health_risk_assessment.pm)

PHA - [http://www.public.health.wa.gov.au/2/1399/2/public\\_health\\_assessment.pm](http://www.public.health.wa.gov.au/2/1399/2/public_health_assessment.pm)

Should you have queries or require further information please contact Vic Andrich on 9388 4978 or [victor.andrich@health.wa.gov.au](mailto:victor.andrich@health.wa.gov.au).

Yours sincerely



Jim Dodds  
**DIRECTOR**  
**ENVIRONMENTAL HEALTH DIRECTORATE**

27 June 2012

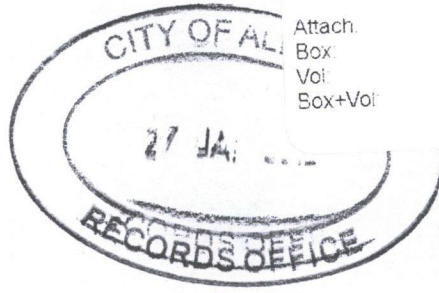


City of Albany Records  
 ICR1257663  
 AMD303  
 31 JAN 2012  
 SPLAN2

Doc No:  
 File:  
 Date:  
 Officer:



Office of the Environmental Protection Authority



Attach.  
 Box:  
 Voi:  
 Box+Voi:

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

Your Ref AMD303/PA36834/AMD303  
 Our Ref OPEA2011/000025; A465156  
 Enquiries Angela Coletti (6467 5490)  
 Email angela.coletti@epa.wa.gov.au

ATTENTION: Jan van der Mescht

**CITY OF ALBANY TOWN PLANNING SCHEME NO 3- AMENDMENT NO 303**

Thank you for your correspondence dated 10 January 2012 regarding the above scheme amendment.

The information provided in your documentation is insufficient for the Environmental Protection Authority (EPA) to make a decision on whether or not to assess the scheme amendment. Please note that, under section 81(b) of the *Planning and Development Act 2005*, the local government is required to provide to the EPA 'such written information about the town planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986* (EP Act) in relation to the local planning scheme or amendment'.

Accordingly, further information and advice is being sought from the Department of Environment and Conservation's South Coast Regional Office and any other relevant agencies.

When the EPA has received sufficient information and advice, you will be notified in accordance with section 48A(1) of the *Environmental Protection Act 1986*.

Yours faithfully

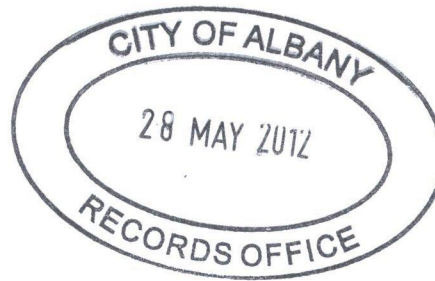
Mark Jefferies  
 A/Director  
 Assessment and Compliance Division

24 January 2012



Government of Western Australia  
Fire & Emergency Services Authority

Your Ref: AMD303/PA37945/AMDAMD303  
Cross Ref: ICR1024652  
Our Ref: AL02329-07  
Contact: Kevin Parsons  
Email: Kevin.Parsons@fesa.wa.gov.au



AGENDA ITEM 2.3 REFERS *Jan*

AMD303



5 Hercules Crescent  
Albany WA 6330

Telephone (08) 9845 5000  
Facsimile (08) 9841 6719  
www.fesa.wa.gov.au

23 May 2012



Jan Van Der Mescht  
Senior Planning Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331

Doc No: City of Albany Records  
ICR1266158  
File: AMD303  
Date: 28 MAY 2012  
Officer: SPLAN2

Attach:  
Box:  
/ol:  
Box+Vol:

Dear Sir/Madam,

**RE: PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE 'RURAL' ZONE TO THE 'SPECIAL RESIDENTIAL' ZONE**

Thank you for your letter of 16 May 2012 wherein you sought advice from Fire & Emergency Services Authority of Western Australia (FESA) in relation to the above referenced Rezoning application.

Interalia, WESTPLAN - BUSHFIRE (December 2010) assigns the HMA responsibilities for Prevention to FESA, DEC and LG for their respective areas. Moreover it is acknowledged that: "Local Government planning and development processes also play a role in bushfire risk management by adopting specific standards as outlined in the joint FESA – WAPC document "Planning for Bush Fire Protection" (edition 2 – May 2010).

In view of the above, FESA expects that the methodology included in the "Planning for Bush Fire Protection" document is applied to the subject development.

Should you require any further info please do not hesitate to contact me on the above phone number.

Yours faithfully

KEVIN PARSONS  
DISTRICT MANAGER  
GREAT SOUTHERN REGION



Doc No: City of Albany Records  
ICR1268603  
File: AMD303  
Date: 29 JUN 2012  
Officer: SPLAN2

Attach:  
Box:  
Vol:  
Box+Vol:

Your refs. **AMD303/PA37945/AMDAMD303**  
ICR1024652

27 June 2012

Jan Van Der Mescht  
Senior Planning Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331

Dear Jan Van Der Mescht

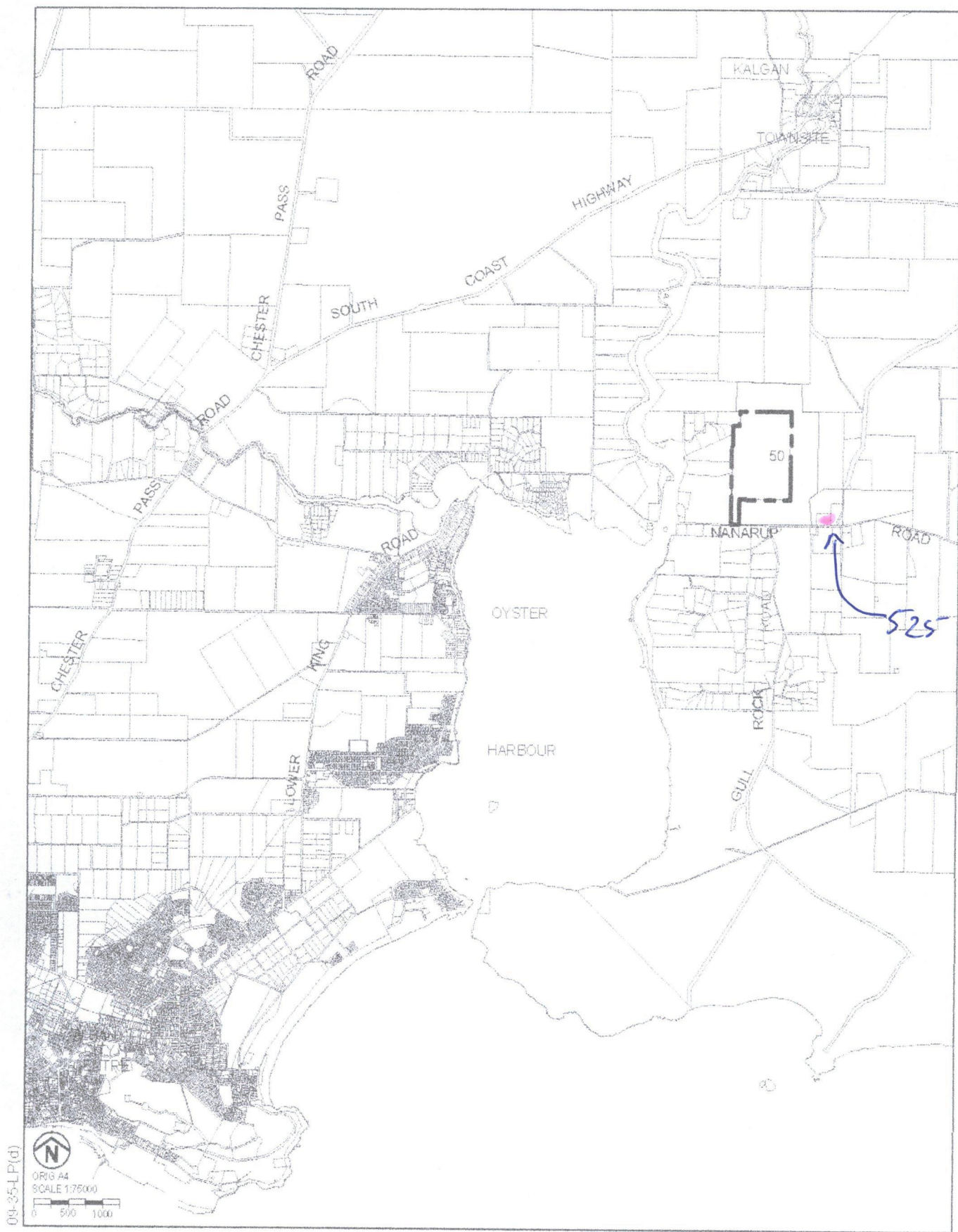
**PROPOSAL TO TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD  
FROM THE 'RURAL' ZONE TO THE 'SPECIAL RESIDENTIAL' ZONE**

We refer to your letter of 16 May inviting submissions on the above, and submit the following as resident owners of otherwise known as highlighted on the attached copy of the map received.

We support this proposed rezoning amendment to Town Planning Scheme 3 generally, to enable more neighbours to share our enjoyment of the Candyup outlook. We are however troubled by the rather strange eastern perimeter of the Special Residential rezoning. By bordering the proposed development of Candyup this suggests rezoning deliberately exclusive to a single developer. We would have much preferred to have seen Hunton Road as the eastern boundary so that our own block might have been included.

So long as this area was zoned "Future urban", we understand previous subdivision proposals by local residents were rejected "*to protect the area from fragmented ad-hoc developments that might prejudice the potential for future long-term urban development*". Does the proposed rezoning therefore mean we risk losing such "*supporting infrastructure and services*" as pedestrian access across the Lower Kalgan bridge?





**AYTON BAESJOU**  
PLANNING  
11 Duke Street  
Albany WA 6330  
Ph 9842 2304 Fax 9842 8494

**LOCATION PLAN**  
Pt Lot 50 Nanarup Road  
Kalgan, City of Albany



## Regional Heritage Advisory Service

21 June 2012

AMD 303  
JAN

Attention: Jan Van Der Mescht  
Senior Planning Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331

City of Albany Records  
Doc No. ICR1267977  
File: AMD303  
Date: 22 JUN 2012  
Officer: SPLAN2

Attach:  
Box:  
Vol:  
Box+Vol:

Dear Jan

**PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD  
FROM THE 'RURAL' ZONE TO THE 'SPECIAL RESIDENTIAL' ZONE.**

Thank you for referring this matter on to me for comment. As noted in your letter, this property is also known as "Candyup" and is included in the City of Albany's Municipal Heritage Inventory as an historic site (i.e. having few or little built features).

Referring to the planning report by Ayton Baesjou Planning (2011), I note that there is no mention of the historic property nor of the heritage listing associated with it, let alone any analysis of likely impacts on what is undoubtedly a significant and fragile historic cultural landscape. It would seem somewhat remiss that there is no reference to heritage issues in this report, either European or Indigenous, and that this would need to be addressed at some point in this process, both in considering the current rezoning application as well as in any future plan of subdivision application. [I note that there is reference to "Candyup" in the title of both of the flora and vegetation surveys carried out for Lot 6 and Lot 50 (prepared by Mattiske Consulting, 2009 & 2011).

I subsequently undertook some preliminary research on Candyup which was originally the property of the Taylor family, who also owned the property in town known as "Patrick Taylor Cottage" which has been permanently entered on the State Register of Heritage Places. The Taylors established Candyup (also referred to as Glen Candy) in the mid 19<sup>th</sup> century. I believe that the original Candyup Homestead would have been in the vicinity of Precinct E identified in the Ayton Beasjou report. "The house was situated just below the present one, on an elevated hill with enchanting vistas of the Kalgan and Oyster Harbour" [*Albany Advertiser*, 8/10/1963].

In addition to the extract from the article from the *Albany Advertiser* quoted above, there are quite a number of other sources that document the history of Candyup in your Local History Library, including photographs of the original homestead, which burnt down in 1940, and the advertisements for the sale of property in 1903 after the death of Campbell Taylor. In addition, an historical report was prepared by Bonnie Hicks in 1965 and refers to remnants of the homestead foundations, the well, and remnant vegetation still being extant on the site. There are many other sources of documentary evidence, some of which I have attached to this letter.

.../2

## Regional Heritage Advisory Service

I would strongly recommend that the City of Albany requests an archaeological survey and assessment be carried out on the property as soon as possible and prior to the preparation of any plan of subdivision and which will also then inform that plan. This survey and assessment shall not just encompass the area around where the original homestead was situated, but across the whole property where evidence of other ancillary buildings, the former cultivated areas (i.e. the orchard), and the cattle yards and runs may be present and also down to the Kalgan River frontage (including any existing tracks) as no doubt produce and goods would have been transported to and from the property via the river. A heritage impact statement will also be required to accompany any application for subdivision.

The archaeological investigations, in association with the identification of any actual archaeological material, and evidence - in addition to other historical fabric, artefacts and remnant vegetation that may still be present - will contribute to the development of interpretation outcomes for this significant heritage site. Interpretation policies can then inform later development proposals and can be embedded and integrated within the future redevelopment of the land in a variety of interesting, evocative and meaningful ways.

I am happy to discuss this further with you and to provide any further information that I can to assist you.

Yours sincerely



**Helen Munt**





"Cardyup"

Albany Local History Library

istchurch (N.Z.)

**cal Tailor,**

NUMENT).

State.

ALWAYS IN STOCK.

'ROM.

atest London Fashions,

GUARANTEED.

**GLAS,**

S' TAILOR,

ng Gowns, &c.  
ES.

Norfolk and Sailor Suits.

LL DESCRIPTION.

n all made to order

ANTEED.

**S**  
EET. ALBANY.

**STABLES.**

ST ET, ALBANY.

MIDDLETON BEACH

Freemasons' Hotel at 9.30  
1., 2 p.m and 5 p.m.

1s. RETURN,

TO KING RIVER.

d Thursday, leaving the  
all at 2.15 p.m.

1s 6d RETURN.

RTIES CALLED FOR.

gs, Waggonettes, Double

**MORTGAGEE'S SALE**

Of the well-known CANDYUP PROPERTY comprising 969 acres or thereabouts belonging to the Estate of the late Campbell Taylor.

JOHN MOIR & CO,

have received instructions from the Mortgagees to sell at the Freemasons' Hotel, Albany, on

WEDNESDAY, the 18th day of FEBRUARY, 1903, at 8 p.m.

The well-known CANDYUP PROPERTY, situate about nine miles from Albany, comprising:—

Plantagenet Location 38, containing 640 acres more or less.

Plantagenet Location 53, containing 240 acres more or less,

Portion of Plantagenet Location 51, containing 39 acres and 22 perches more or less,

Plantagenet Location 400, containing 50 acres more or less. About 40 acres are cleared and several acres are under cultivation as an orchard in full bearing. This property has a dwelling house thereon and is fenced and also has a large frontage to the Kalgan River.

Communication with Albany by land or water.

The above sale presents an opportunity for Buyers to secure an exceptionally good, well situated and profitable holding.

Title Freehold—Terms at Sale.

Further particulars as to Title, &c., obtainable from the Auctioneers, or Haynes & Robinson, of Albany, Solicitors for the Mortgagee,

324v

**S A L E OF VALUABLE FREEHOLD PROPERTIES, ALBANY.**

to belonging the Estate of the Late V. P. R. DESOUZA.

JOHN MOIR & CO. have received instructions from the Administratrix of the above Estate to sell at the Freemasons' Hotel, Albany, on WEDNESDAY, the 18th day of FEBRUARY, 1903, at 8 p.m.,

ALBANY SUBURBAN LOT P7,

Perth Road, containing three acres or thereabouts, on which is erected a 10-roomed stone and brick house with kitchen and bathroom; verandah back and front and large stables, outbuildings, &c., now occupied by P. M. Sullivan, Esq. as a monthly tenant and also

**MUNICIPALITY OF ALBANY**

Applications are invited and will be received up to 5 p.m. on TUESDAY, 17th inst, from Persons competent to undertake the duties of Engineer of Works

MOUNT CLARE COE STORMWATER DRAINAGE WORKS.

All information to be obtained from the undersigned during office hours, and only of testimony to accompany application. By order,

ERNEST B. PATON  
Town

Town Hall, Albany. February 17, 1903.  
472v

**APPLICATION FOR AN LICENSING BOARDING OR LODGING LICENSE**

To the Worshipful the Justices of the Peace acting in and for the District of the County of Westera Australia.

I, FANNY DARLEY, married, house keeper, now residing at Boarding House, Lower Stirling Terrace, the town of Albany, do hereby give notice that it is my intention to apply at the Licensing Meeting to be holden for the District, for an Eating, Boarding or Lodging House License, in the shop or rooms now occupy, or intend to occupy, situated at Lower Stirling Terrace and now held by a temporary license.

Given under my hand this sixteenth day of February, one thousand nine hundred and three.

FANNY DARLEY  
Per F B Dymes, her solicitor.

**WESLEY HALL**

A farewell social will be tendered to and Mrs. J. INCE in Wesley Hall on WEDNESDAY evening, at 8.30, and personal friends cordially invited.

**ALBANY ROADS BOARD**

All cart and carriage license fees and license fees due to the Albany Roads Board must be paid to C M Playne before 15th or proceedings will be taken without further notice.

C M Playne will attend at the Board from 11 to 1 o'clock on Wednesdays and Saturdays to issue licenses. By order

C M PLAYNE  
466v Sec

AA

74 Spencer St Albany  
AGENDA ITEM 2.3 REFERS

# FOOTY DREW NEW RECORD

The SDNFL football grand final at Mount Baarker last Sunday attracted a record crowd—more than 1000 people.

Officials said afterwards that the gate takings—more than £330—also was a record. "There has been nothing to match this since the league began six years ago," league secretary Ken Colvin said yesterday. "And another big crowd is expected for the D.N.F.-East Fremantle game to be played next Sunday," he added.

INSIST ON  
Embassy  
EXCLUSIVE TO COLES

## SLEEPWEAR FOR THE FAMILY!

Embassy

Sensational Value at this Price!

17/6

DURABLE COTTON MEN'S PYJAMAS

# PATRICK TAYLOR

## A Scottish Settler

### at the Sound

Miss Bonnie Hicks, Keeper of the Records of the Albany branch of the Historical Society, concludes her article on Patrick Taylor, a Scottish settler at King George Sound.

Their home was at "Candyup" at the time, another property bought by Patrick. This was on the Kalgan River, a farm now owned by Mr. Sewell. At that time the house was situated just below the present one, on an elevated hill with enchanting vistas of the Kalgan and Oyster Harbour.

Fanny wrote: "The country is just now an exquisite green, and Candyup abounds in pretty grassy slopes covered with close fine sward. The cattle are looking extremely well, and when this house is plastered, their sitting room will be one of the finest in the colony."

This sylvan existence was soon shattered by a series of economic disasters. To his dismay his agent in Scotland absconded to America with a considerable portion of his fortune.

Nothing was going right at "Candyup," cattle died and even the hens wouldn't lay.

Patrick wrote to his wife's sister that Mary was obliged to search the nests from early morning to night to obtain only a few eggs. Even if they had grown all their requirements and more besides, it would have been to no avail. Their problem was the same as all settlers of the first colonial days... there were no markets. Whaling ships calling in to port were the only buyers of produce.

There was a family argument with the Bussells. At "Cattle-Chosen," a decision had been reached about finances. In future only those who were sharing the work of the moment would share in the profits.

Patrick claimed that his wife had shared the early hardships, therefore she should benefit to some extent. John Garrett Bussell wrote a dramatic farewell to his brother-in-law, of whom he was genuinely fond, and from then on Taylor seems to have had little contact with his wife's relatives.

Patrick Taylor was a leading figure in the town's affairs for a number of years. A very religious man, he was deeply concerned with the death of clergymen in the new colony.

On board the ship he guaranteed £200 for the stipend, claiming that the presence of a minister

1847, while in 1849 the town trust failed to function.

Taylor was chairman of a public meeting in 1846, which was hurriedly summoned to deal with a local catastrophe. York-st., had suffered one of its periodical floodings, which persist up to this day.

Patrick Taylor sent off a memorial to the Governor, asking for assistance for the town to rebuild the street, which had been scoured with gullies deep enough to hide a man.

The emphatic wording of the petition served no purpose. Resigned to official procrastination, the locals erected foot bridges over the gullies and the road was not repaired until 1870, 24 years afterwards.

From the period of the unsuccessful petition, Patrick Taylor seems to have retired from public life. The original diaries of Mrs. Taylor, spanning the years 1873-1875, tell of a dreary existence at Candyup.

Daughters Fanny and Kate did much of the hard work on the property, assisted in a desultory fashion by a farm labourer and some local natives.

Eldest daughter Mary, who had been born at Candyup, was married to Edward Dempster, son John, lived in the Eastern States, Campbell was pioneering at Esperance.

Occasionally a visitor in the person of Sir T. Campbell, one of the Hassell, Egerton - Warburton or Spencer boys would drop in and the harmonium would assist in making the evening pleasant.

Patrick Taylor died in 1877. He and his wife, infant Christina, and son Campbell, share the same

headstone in the cemetery on Middleton-rd.

The building now known as the Patrick Taylor Cottage, was misleadingly termed a beach cottage by Wollaston. The house is mentioned in the diaries, was sometimes used when they visited town, or rented to various tenants, and was repaired by young Sherratt.

None of Taylor's blocks were on the beach itself, although this one is only a few chains away. Nor was it the smaller brick cottage, now demolished, on the Stirling-ter. end of the same block. This consisted of one main brick room, with dilapidated tin structures attached. The windows of the main room were high as were the ceilings.

The first material used for houses in the colony was "wattle and daub," windows were small because of the cost of glass, ceilings low. The central rooms of the Patrick Taylor cottage are "wattle and daub," rough and uneven, the roof is still shingled under the tin, and the house plainly follows the usual colonial plan of central rooms surrounded by a verandah. Later this was covered in to provide more rooms.

Among later pioneers who have resided in this historic homestead, were Campbell Taylor, the eldest son, sister Miss Kate Taylor (some elderly residents may remember for the large amount of cats she kept), Miss Lowndes, the first domestic science teacher at the local High School, the W.A. poet "Dryblower" Murphy, and kindly Dr. Ingoldby and his wife.

Until the 1950's the property had always remained in the hands of a Taylor descendant, the last owner being Dr. R. Fairbairn, of Peppermint Grove.

Albany is doubly fortunate in possessing two houses belonging to one of her most interesting periods of history, the 1830s, in the Old Farm and the Patrick Taylor Cottage.

At present the latter is open to the public two days a week for inspection, Fridays 3.30 p.m. to 4.30 p.m., and Sundays 2.30 p.m. to 4 p.m. Inside can be viewed a number of Taylor relics and other interesting historical objects donated to the society.

## TALE IN VERSE

The 1963 winner of the Commonwealth Literary Prize, Mr. Roland Robinson, will be the guest speaker at the Albany Adult Education Group's next meeting on Monday, October 21.

Mr. Robinson's medium is poetry and verse. His talk will be titled "A traveller's tale in verse."

Members of the Albany branch of the Fellowship of

Drive Over

A Scottish Settler 1965  
at the Sound  
Bonnie Hilles  
- 38 -

BHA 19

B/TAY

CHAPTER III.EARLY DAYS AT CANDYUP ESTATE.

The name of Patrick Taylor's property has always puzzled the local history enthusiasts in Albany. Was it "Glen Candy" or "Candyup" or even "Candeup"? Taylor's grandson, the late Dr Robert Fairbairn, claims it was "Glen Candy" because the area reminded Taylor of his native Scotland, and that the natives corrupted it vocally to the smooth-flowing "Candyup". This could be so. In the naming of the Bussell's' homes a similar occurrence is noted. "The Augustan 'Thatched House' had degenerated into 'Datchet', obviously an aboriginal rendering."<sup>(1)</sup>

There are several claims that Candyup refers to the Kalgan River district; that it was indeed the aboriginal name for it. This theory seems to have risen out of the free use the name was given in the early days. Eyre is purported to have written in his journal in 1841, "We reached in 8 miles the Candyup River", and again, "In the Candyup River I had to wade". On this occasion it is likely he was accompanied by his native boy Wylie, a King George's Sound native, who should have been familiar with local nomenclature. Calling the Kalgan River 'Candyup' does not tally with what Government Resident Dr Collie wrote concerning his exploration trip up the French River (the original name designated to it by D'Urville) on April 27th, 1831, in company with his good companion, native Mokare. On this occasion he renamed it 'Kalgan' after the native name 'Ya-mung-up' or 'Kal-gan-up'.<sup>(2)</sup> Like Eyre, Collie was very

(1) Shann: Cattle Chosen, p.63.

(2) Sten: The Hay District.

- 39 -

familiar with native voices and had every opportunity to listen to the native names, for Mokare slept in his apartments. On his death Collie requested that Mokare be buried with him. His bones were laid in the original Albany cemetery in York Street. This was later removed to a site at the rear of the present Town Hall. Later it was shifted to Middleton Road and there Dr Collie's grave is plainly visible, but not Mokare's, whose remains still rest in the first graveyard. The writer diffidently suggests that since no official record is known which calls the Kalgan "Candyup" till 1841, it is possible that the river and the property names were two distinctly different things and that the Candyup natives were responsible for the name change. Campbell Taylor, who inherited the property, in 1887 placed an advertisement in the local newspaper and gave his address as 'Glen Candy'.

There is a great likelihood that Patrick Taylor purchased A38 block, called "Glen Candy", from George Cheyne. There is ample evidence from the "James Pattison" shipboard diaries of Mary that he kept a number of servants. Some remained at Albany after the homestead was built - John Young, Henry Tulley and John Wallace and a stone mason by the name of Thomas. A ladies maid had been lent to Mary by Patrick. On Sunday, 16th February, she refers to this woman returning to her to tell Mary that "her master had desired all his people to be ready in half an hour to meet in his cabin"<sup>(1)</sup> for the Liturgy (morning prayer). Her anticipated enjoyment at participation in a common bond was not to be, for Mr Sherratt invited Mary and her mother to his room for prayers, but

(1) Early Days : Western Australian Historical Society Journal, December 1941. Robert Fairbairn's "James Pattison" Diaries.

- 40 -

Mary could not have been concentrating fully for, "We heard too, as we proceeded, the deep-toned voice of the youngest patriarch issuing from the adjoining cabin."<sup>(1)</sup> Mention is made of Robertson, Mr Taylor's man, who had charge of the Bussell livestock since Buckland was obliged to resign.

A photograph (inserted) shows the old Candyup homestead as it was years ago. The foundations are still visible. The sweeping drive down to the river is accentuated with a tangle of briar rose hedges. This old route is seldom used now, for a good bitumen road is the modern egress, and the present house tops the hill whereas Candyup nestled in its centre. A fire swept through the briars and destroyed Taylor's house years ago.



(1) Early Days : Western Australian Historical Society Journal, December 1941. Robert Fairbairn's "James Pattison" Diaries.



- 42 -

best we can until things assume a somewhat more orderly and selected character and aspect. Rome was not built in a day, and as you may well know, so many things have to be done on the first formation of an establishment in this outlandish country; while at the same time there is so much difficulty in mastering what at home would scarcely be felt to be obstacles at all, that things seem to advance with extreme tardiness, and while one is trying to remove an obstruction from his course, he unexpectedly encounters half a dozen still more formidable opponents. (1)

There seems to be a note of desperation, a quickness to defend his action of keeping poor Mary in conditions not as they had been stated to be on their betrothal.

A realistic tone permeates a note when he wrote to Fanny:

2/3/1838. ...the melancholy fact is certain that our valuable cows do not give more, if so much, milk as the same number of goats would give in England. And as for butter, we are in great hopes that we shall obtain half a pound per week from each cow. Such is the present prosperous state of our dairy farm at Candyup.(2)

Disaster struck in 1838 when his Scottish agent absconded to America with a large fortune. (This according to the Scottish branch of the family, the Renny-Tailyours, and supported by a letter to J.G. Bussell.)

Albany, Oct. 2, 1840. My presence is required in England to arrange some pecuniary matters with my brothers. With regard to my affairs I shall only say that I find myself the poorer by some thousand pounds than I had calculated upon. As far as I can understand by the letters which I have received there is about £4,000 which has been entirely lost either by the negligence or the fraudulent conduct of my agent in Scotland. Moreover, legal difficulties have been raised with regard to my right of succession to another sum of about £4 or £5,000, so that should I be deprived of this last-mentioned sum I have the prospect of being very close run for funds. - For nearly 3 years I have been expending a very considerable sum annually in improvements etc. because I was led to believe that, exclusive of any funds or property in W.A. or Van Diemen's Land, I had from £10,000 to £12,000 in Scotland at my disposal. The consequence is, of course, for the present, that I find myself very much hampered for cash to meet the demands which are made upon my purse. I have therefore sold livestock etc. to the amount of £700 and shall

(1) Notes supplied to Mr R. Stephens from the W.A. Archives.

(2) Ibid.

- 43 -

endeavour to dispose of one or two town allotments so as to give me something for my trip to England.

I have let the farm at Candyup for 3 years for the sum of £60 per annum in improvements, viz. clearing and fencing land. I have also one cottage in Albany, which is let for £40 per annum. I have 2 other allotments with cottages on them and for one I have an applicant for tenant if I do not sell it.

With regard to Mary, I hope there will be no difficulty in managing matters so that she and her youngsters may continue at the Vasse establishment until my return from England...she will be more happy than if she were to be alone either here or at Swan River.(1)

By 1841 they were decidedly back with the Bussell clan.

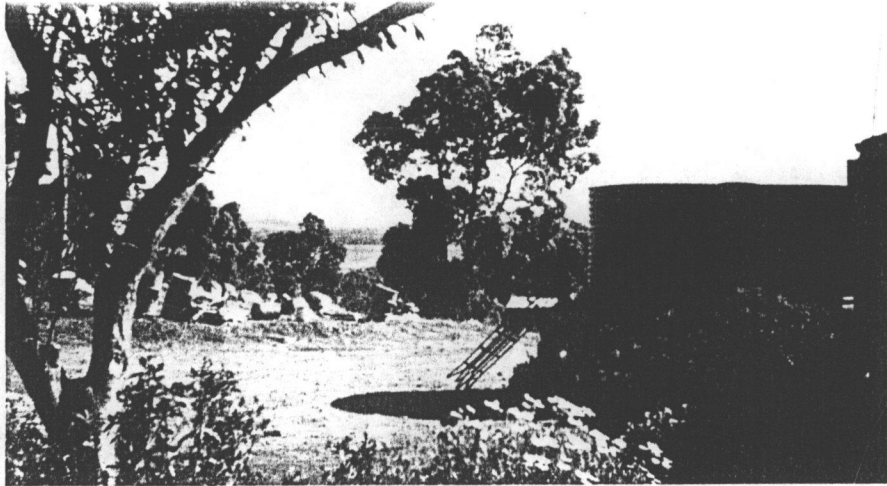
March 1st, Mon., 1841. A commencement of rain with thunder. Mr Taylor guarding against leaks in his room and in Bessie's apartments.(2)

It was an unfortunate year. An incident shocked both Patrick Taylor and Henry Camfield (life-long friend of the Hentys, Taylors, and later a Resident Magistrate at King George's Sound. At the time Camfield was a suitor of Fanny Bussell.) There have been diversified accounts of the incident given by Wollaston and the Bussells, so this extract will indicate Camfield's version of the affair:

About a year before I went down the natives had speared a cow belonging to a neighbour of my friends, it was thought proper to punish them for it, three were shot, I saw their graves. The natives some time after this came to a third party and speared a man in the arm, surrounded his house and purposed no doubt murdering his wife and children. Now understand, the first human blood in this district was spilled by whites; three blacks were killed and as yet not whites; this is how it stood when I went down, when the natives were troublesome again, stealing potatoes and flour, caught in fact with the latter but suffered to run away. I was for having them caught and treated according to law, but my friends were for more summary proceedings, the end of it, a spring gun was set for several nights - at last a man was shot in the act of opening a door to steal bread. A party went off to scour the bush, I alone buried the dead, before it was light. The next morning prisoners were brought in, and one, endeavouring to make his escape, was shot; before this second was done to death I had made up my mind to walk to Augusta

(1) Notes supplied to Mr R. Stephens from the W.A. Archives.

(2) Shann: Cattle Chosen, p.119.



The new "Candyup" homestead on the hilltop.



The old "Candyup" foundations.



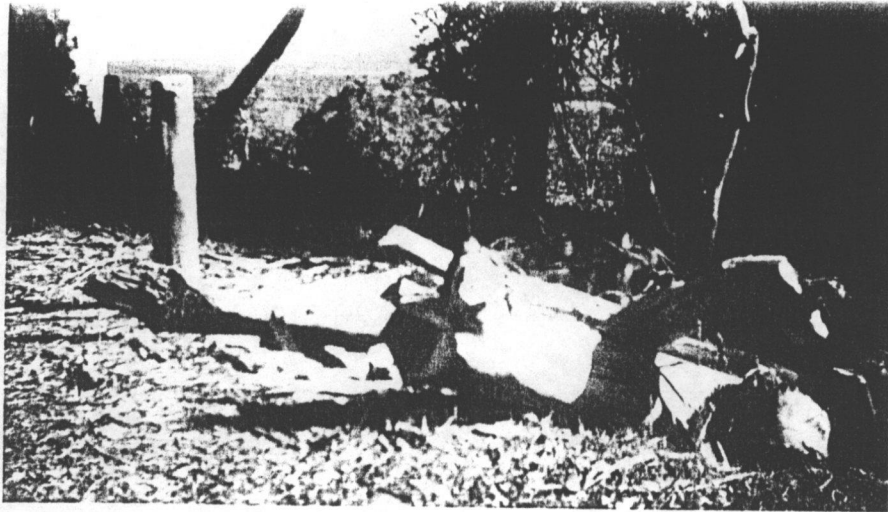
Magnificent gum (visible in old photo).



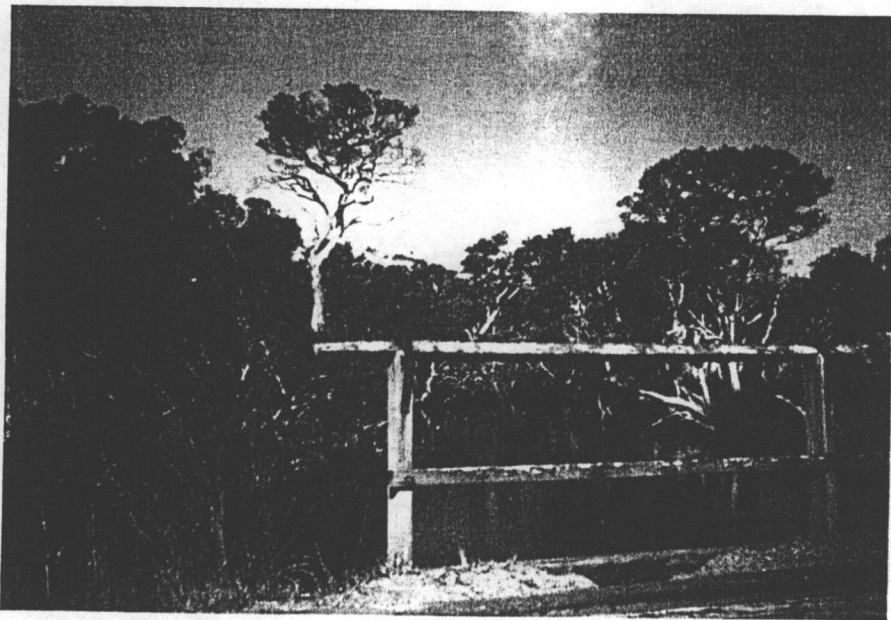
Part of the tangled Briar Rose hedge, said to have been planted by Mary Taylor. It was the cause of the fire which destroyed the original house.



Candyup vistas, fruit trees in the valley, an olive tree in the foreground.



Behind the fallen timber on the ground, is the well used by the original Candyup home.



One of the creeks which winds its way from Candyup to the Kalgan River.

NOTES ON CAMPING PLACES and distance between them and along the TELEGRAPH ROUTE between ALBANY, King George's Sound, and ISRAELITE BAY, on the S.E. Coast of Western Australia.

In a light covered two wheeled spring cart drawn by three horses abreast, Mr. Campbell Taylor and his young wife journeyed in 1887 on this, the only overland coast route to South Australia. Now the railway runs inland.

ON THE COAST OF THE GREAT AUSTRALIAN BIGHT.

ISRAELITE BAY TELEGRAPH STATION is 80 miles from EUCLA further along the coast, the boundary of W.A. and S.A., where two stations work.

From ISRAELITE BAY there is a level stretch of samphire flats flanked by coast hills. The inland looks like a wide sweep of sea, out of which Mount Ragged looms like an island

Roadside lakes are passed, one, six miles long.

About twelve miles from ISRAELITE BAY, there is a turn-off from the main road to Point Malcolm on the sea.

Promontories of CAPE ARID and CAPE PAISLEY now come into view. Near CAPE ARID, a sandpatch with a good spring of water called "JIMMY'S WELL", is never dry. A huge sandpatch is adjacent to CAPE PAISLEY, twenty miles from THOMAS RIVER, on the coast. Between ISRAELITE BAY and the THOMAS RIVER is about eighty miles.

A few miles from the homestead at the THOMAS RIVER, the main road is left to pass by BALLINUP HARBOUR, where there is a washpool for sheep; and TAGUER HARBOUR, twenty miles from the homestead, where wool is shipped and the year's stores are landed, and the monthly mailbag is taken from a tree on the beach.

From the THOMAS RIVER homestead where wide grass valleys converge with others, the result of pre-historic floods, you rise on to level bush plains of low scrub and harsh grass, useless for stock unless burned off every three years. These plains, which the natives call "Quonkans" (Quowcken's of Brooke - E.M.C.), are sometimes ablaze with the orange yellow flower of the Cabbage Tree or Christmas Tree, as well as a profusion of wild-flowers.

Coming up the valley of the THOMAS RIVER to the plains, the string of hills which show on the horizon are the tops of

1RS/459 M  
Document 6.

SKETCH

W.D  
1  
6  
10  
9  
11  
12

followed. After 16 miles came the CLAYPAN with enough water to water the horses.

From the CLAYPAN the road passes through some patches of worthless quonkan(Quowcken) to better feed, which is really good around WARBURTON'S LAKE. Here Red Gums as well as Jarrah indicate the beginning of the forest country, which flourishes in such perfection in the Darling Range.

From WARBURTON'S LAKE into ALBANY is 26 miles. About 8 miles from the Lake the KALGAN RIVER Bridge is crossed, and from there the KING RIVER Bridge is 7 or 8 miles, The suburbs of ALBANY extend to the KING RIVER road from York Street.

At 3 miles from the SALT RIVER there is a road branching off to Mr. Andrew Moir's homestead at CAPE RICHE. You can follow this coast road for 80 miles and join the main road at the KALGAN RIVER near ALBANY. You pass near the home of Mr. John Wray near CHEYNES BEACH, the BLACK BLUFF, MOUNT MANYPEAK, and through the property called CANDYUP, settled in 1842, the old pioneer home of Mr. Patrick Taylor, from Kirton Hill, Aberdeen, Scotland. It has been burned down by bush fires, but commands a fine view of ALBANY and the coast. A bridge is here over the KALGAN.

Handwritten notes on the left margin: "The King River" written vertically.

(Note by a previous Secretary of the Historical Society of Victoria) "These notes are taken from a Diary kept by Mrs. Campbell Taylor en route, where sketches were made, and a collection of wild-flowers made, which went to Miss Fenwick, of Chapel Allert, Leeds, England."

IRS/459 m Doc. 6.  
Reports & extracts of reports concerning Isaacite Bay & surrounding areas, with reference to the original file copy

5.

the potentials of the timber industry were recognised and local regulations were in force which may have helped to defeat Diggory and make him desert his block in time for Wollaston to find it abandoned in '51.

In her article on "Capt. Symers at Albany" (Journal of W.A. Historical Society Vol. 4.) Mrs Glover furnishes the basis for research into the next two blocks settled on Lower Kalgan, those of Capt. Thomas Symers and Patrick Taylor.

Symers arrived at King George's Sound in his own ship the "Caledonia" on 1st June 1835 and within six months had bought 104 acres and within the year had bought at public auction an adjoining block of 122½ acres. The first appears to have been Plantaganet Loc. 400 ( now named Benhaven) while the larger block was the two pieces identified as A5I and A5I7 - of which the Portion A5I was retained in the family until sold in 1960 by Mr. Charles Symers (Thomas's grandson) to Mr. Boquet.

Some six months after Symers had bought the 122½ acres block Patrick Taylor bought the adjoining block of 240 acres A53 known soon as the Gaarman sheep Paddock.

Capt. Symers, according to Mrs Glover "augmented his land with a leasehold of 3000 acres held until long after his death by his son Mr. Stewart Symers". *This was the Roman river holding 1873/4*

According to one authority the so called leasehold claimed by Capt. Symers might have been difficult to prove by law, until 1850 when leasehold conditions were first introduced for Crown Lands unless the land was in private hands.

See supra

Now a consideration of the land around indicates and is supported by memories of Mr. Symers, that Capt. Symers' 3000 acre leasehold must have included Location 38 of 640 acres granted to George Cheyne in May of 1836. We know that Symers acted as agent for Geo. Cheyne and the likelihood appears to be that Symers not Cheyne originally handled Loc. 38 "Glencandy" where Candyup Homestead stood. Since Capt. Symers died in 1865, Mrs Glover's statement alters considerably the usually accepted idea that the farm of Candyup with the Homestead and sheds in the hollow known as Glen Candy had been started by George Cheyne and farmed by Patrick Taylor.

*I know from Diaries of Mrs Patrick Taylor much of their life*  
*I have as yet, not found any evidence to show that*  
*Patrick Taylor ever lived at Candyup Homestead, though his son*  
Mr Cambell Taylor and Mrs Cambell Taylor certainly did.

(The old boundaries of the Candyup property are still traceable and the area enclosed by the original Post and Rail

AKS/78M

MD 2004. 436

Notes on Candyup - the center of the first cent.  
Patrick sent in the first cent.  
NW + DN West  
9-8-62



9.

at Glen Candy were planted and the mulberry, ~~and~~ <sup>and</sup> ~~the~~ <sup>the</sup> ~~apple~~ <sup>apple</sup> ~~plum~~ <sup>plum</sup> etc. were planted though the orchard as it was known later was in connection with which it is of interest to note that Paul Quinn sold by auction in 1873 no doubt chiefly the work of Cambell and Mrs. Cambell Taylor.

Nevertheless it was necessary to get someone to manage the stock and in 1840 a Mr. William Souness was engaged in London.

I do not know when Mr. Patrick Taylor took over Glen Candy A 36 from Geo. Cheyne nor when he dropped A53 Quarram but on 19th August 1848 Wollaston writes in his journal - "Called on Mr. Taylor ..... he goes about his garden and works a great deal in the house ~~having~~ <sup>having</sup> no servant. Has met with great ~~success~~ <sup>success</sup> and I suspect this has ~~something~~ <sup>something</sup> to do with his seclusion - Alas, Human Pride". *Taylor was then living in Albany at Patrick Taylor Cottage.*

It was also in 1848 that the shingles for St. Johns Church in Albany were being cut from sheoaks on the banks of the Kalgan.

The Candyup Homestead was occupied by various people ~~starting~~ <sup>with Patrick + Mrs. Taylor then his son</sup> ~~if my surmise is right with~~ <sup>with</sup> ~~Mr. Cambell Taylor~~ <sup>Mr. Cambell Taylor</sup> ~~and Mr. Cambell Taylor~~ <sup>and Mr. Cambell Taylor</sup> ~~he lived there till his death in 1901~~ <sup>he lived there till his death in 1901</sup> and improved it considerably. Among other items of historical interest are ~~the~~ <sup>the</sup> ~~ships~~ <sup>ships</sup> figureheads which he bought and erected one on each side of the homestead gates. Each were about six feet high; the one known as Tommy Larkins was the figure of a viking and came from the coal hulk "LARKINS" which arrived in Albany in 1853. The second represented a lady in flowing robes and came from the "LADY LITTLE TON". This ship arrived from England in a leaky condition and according to Mr. McKail's Memories was taken to Emu Point for repair - while hove down she slipped from the falls, filled and sank. Her stern and stem posts could be seen on the east side of the Emu Point channel until recently. When Mr. Cambell Taylor rescued these two figures he apparently realised that the time had come when the practise of ornamenting ~~the~~ <sup>the</sup> ~~bows~~ <sup>bows</sup> of a ship ~~with~~ <sup>with</sup> ~~carved~~ <sup>carved</sup> figures representing the patron or patron saint of the owner would fall into disuse, and how right he was is shown by the fact that today these figureheads are almost unobtainable and their value and rarity are increasing. "TOMMY LARKINS" and "LADY LITTLE TON", after a land life of neglect were rescued from oblivion by the late Mr. H.C. Poole when he took over Candyup in 1937 and were presented by his estate to Mr. Denis Robinson to be repaired and erected at the Club House of the Princess Royal Yacht Club.

When Mr. Cambell Taylor died in 1901 his widow continued the management of the estate for some years. She is remembered by old residents as a strong minded but kindly woman, often seen leading her native servants at their work, clad in big blucher boots and denim overalls, carrying fence posts and erecting fences, digging and hoeing and her black labourers, like a tribe of large lazy children imitating her every action.

9.

At some time, believed to be about 1850, there was on Candyup a labourer who in common with his times and type returned from Albany late one night, to put it mildly "having drink taken" He was in a condition when another little drink was indicated but unfortunately during his absence, so the story goes, the woman who lived with him had emptied the only bottle in the house; Daniels had a few words to say and ended by tapping her none too gently on the head with the empty bottle. An alternate story says that he had been attending a boxing match in Albany and demonstrated one of the blows. In both cases the effect on the woman was fatal. Either or neither story may be correct but this is the basis of the Candyup murder and from this arises the stories of the Candyup Ghost. A desperate horseman who is said to gallop up to the rear of the homestead, the heavy breathing of his horse is heard, the crunch of the leather as he climbs from the saddle, and passes into the house. Yet those who have been visited by the ghost say that they watched the place where the sounds were coming from, in the bright moonlight and not a thing was to be seen. I cannot personally vouch for the facts for <sup>and were the last people to live in the original homestead</sup> though my wife and I spent the first three weeks of our married life in the old homestead we were never visited by the Galloping Ghost of Candyup. <sup>Perhaps it prescume wanted it to</sup>

<sup>abandon the site for</sup> At the end of the summer in 1940 the original homestead was completely destroyed by a bushfire which swept the area.

The history of the ownership of Candyup Lot 38 after Mrs. Cambell Taylor is too complicated and the changes too rapid for an attempt to deal with them in such a short paper such as this, sufficient to say that since 1900 a dozen or more people have at various times lived there as owners, lessees, tenants, managers etc. until the present owner Mr. H. Sewell. <sup>who after owning it only five years already has handed it with the option of purchase to one Mr Taylor.</sup>

Passing then to the next family farm of special interest we come down the river a short  $\frac{1}{4}$  mile to Loc. 448 of 100 acres called for obvious reasons Windy Hill. The particular interest in this farm is that it was the first on the Kalgan granted under the Conditional Purchase Act of March 1872, the original owner was Mr. N. W. McKail and though it has been held by others since and has been split up into four sections of 2,5,8, and 85 acres, 8 acres including the original home built by Mr. William McKail are now owned by his son Angus McKail and occupied by Mr. Charles Symers, grandson of Capt. Thomas Symers.

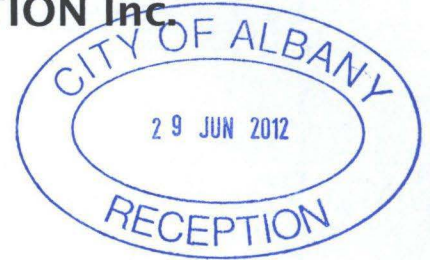
When Mr. McKail took up his Windy Hill property it must be remembered there was no bridge at Lower Kalgan and no road leading from the crossing point to Nanarup and Two Peoples Bay and Mr. McKail's property the adjoining Loc. 497 now owned by Mr Barrett.

Mr. William McKail was the son of the well known Albany identity Mr. John McKail who arrived in W.A. with Capt. Sir James Stirling in 1828. John McKail died in 1871.

**LOWER KALGAN PROGRESS ASSOCIATION Inc.**

ABN 787.196.158.34

Lower Kalgan Hall  
Nanarup Road  
LOWER KALGAN  
Postal address - C/- PO Lower King WA 6330



28 June 2012



City of Albany Records  
Doc No: ICR1268604  
File: AMD303  
Date: 29 JUN 2012  
Officer: SPLAN2

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

Attach:  
Box  
Vol  
Box+Vol

Dear Sir/Madam,

**AMD 303: PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE 'RURAL' ZONE TO THE 'SEPCIAL RESIDENTIAL' ZONE**

Please find attached comment on, and suggestions for amendment to, Scheme Amendment AMD303 from the Lower Kalgan Progress Association.

This comment is submitted on behalf of contributions and comment from people living in Kalgan Heights, Lower Kalgan, Gull Rock, Nanarup and Two Peoples Bay areas.

We look forward to receipt of Council's response to our submission.

We also look forward to more proactive and interactive involvement with Council in planning and land-use decisions making processes affecting the Lower Kalgan community in the future.

Yours sincerely,

Mr Mervyn Leavesley  
President, Lower Kalgan Progress Association

*HARD COPY OF ELECTRONIC SUBMISSION*

**AMD 303 : PROPOSAL TO REZONE A PORTION OF 461 (LOT 50) NANARUP ROAD FROM THE 'RURAL' ZONE TO THE 'SPECIAL RESIDENTIAL' ZONE**

**SUBMISSION – Lower Kalgan Progress Association**

---

A meeting of LKPA members held last Tuesday night considered this proposal disappointing considering previous Council assurances of community consultation on precinct planning.

Instead of checking development proposals for compliance with the strategic plan, Council seems instead to prefer to amend its guiding strategic plans to fit ad hoc fragmented proposals from individual developers.

LKPA members are unhappy that Council continues to make decisions on ad hoc Kalgan development proposals by single developer/landholders rather than the Kalgan community as a whole. The LKPA reiterates that it seeks to be more involved and its opinions given more consideration in proactive decision making and planning processes.

The LKPA seeks a single plan for the Kalgan precinct to be developed involving input from all community, public and private stakeholders to cover all aspects of environmental, social and economic concerns.

The LKPA members believe that "Future Urban" and "Special Residential" rezoning's have not been sufficiently publicised to demonstrate Council commitments toward involving community input. Observing the bare minimum advertising requirements calling for community comment on AMD303 and the underpinning ALPS changes does little to assist Kalgan community members understand the ramifications or likely consequences affecting an our entire community.

LKPA members find this disappointing, and hopes for a more considered and concerted support of an empathetic Council in future.

The LKPA membership is disappointed at the apparent lack of interest in for community contributions to planning decisions, particularly , as in this case one where the Council it is aware of the communities desire to be involved ~~interest in~~, and reminds Council of previous commitments to precinct planning in consultation with the Kalgan community. A willing and capable community is ready to work with Council and other planning partners in that process.

### **Infrastructure**

The extant strategic plan zoning of the Kalgan area as Priority 5 under "Future Urban" presumed density increments would be as "*staged urban developments proceeding with associated supporting infrastructure and services, to protect the area from fragmented ad-hoc developments that might prejudice the potential for future long-term urban development*". Superseding that Priority 5 classification puts the community at risk of losing staged urban development with the provision of supporting infrastructure and services based on current growth projections.

Kalgan residents already consider Council pays insufficient regard to local infrastructure needs, including such things as -

- foot paths (esp. over Kalgan bridge),
- street lighting (Kalgan Bridge, were else?)
- safe fishing platform under the bridge,
- Hunton Road/Nanarup road T Junction intersection
- Traffic studies
- Future road linkages and widening

- Public school facilities
- etc

As in the ALPS, the LKPA believes planning needs to provide for and encourage sustainable and timely delivery of essential community infrastructure to accommodate appropriate settlement and growth. It is our belief that these needs should be:

- Catered for in precinct planning
- Made a discussion point for regular Kalgan Community-Council Liaison meetings.

### **Moratorium**

Prior notice given to developers and planners of the Council's moratorium of from 21 February 2012 on development applications lodged during the advertising period of the draft LPS1 has served to increase the number of development applications lodged and consequently to the communities confusion.

Council is thus calling for community comment on a statutory document (i.e. draft LPS1) prior to Council simultaneously making a decision on AMD303 which legally will affect that draft LPS plan.

It is the LKPA's view that AMD303 (along with any other Scheme Amendment lodged prior to but not yet been subjected to a completed community consultation process by 21 February) should also be subject to the moratorium placed on new applications in view of -

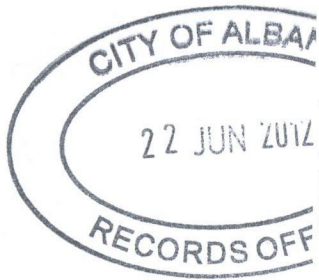
- There being no possibility of knowing the outcome of AMD303 application and its influence on the draft LPS1 before comments on the LPS1 due by 3 August.
- Conflicting information with respect to zoning being presented to the community currently in both the scheme amendment and draft LPS1 documents
- Confusion amongst the Kalgan community, from whom the Council is seeking informed comment and advice. This cannot be achieved when there are two extremely important comment processes working in parallel with each other.

Further -

- Council has set a precedent for not supporting development proposals and applications during the assessment of related important statutory and strategic documents. The same principle should apply to the assessment of AMD303 while the draft LPS1 is out for community comment.
- Council should not distract council officer effort and resources from expediting an update of existing statutory documents into the new LPS1.
- While there may not be any legal requirement to impose a moratorium, LKPA members would hope local government practice would be to 'appropriately transition from existing Schemes to a new Scheme'. It could be argued that Council demonstrates less interest in protecting Kalgan community interests than for support to the interests of the developer.

AMD303

AGENDA ITEM 2.3 REFERS an.



City of Albany Records  
 Doc No: ICR1267975  
 File: AMD303  
 Date: 22 JUN 2012  
 Officer: SPLAN2,CEO4  
 Attach:  
 Box:  
 Vol:  
 Box+Vol:

20<sup>th</sup> June 2012

Chief Executive Officer  
**City of Albany**  
 North Road  
 ALBANY  
 WEST AUSTRALIA 6330

Dear Sir/Madam,

With reference to the public meeting at the Lower Kalgan Hall on the evening of 18<sup>th</sup> June 2012, regarding the proposed **Candyup Subdivision** at Lower Kalgan, I wish to submit some of my concerns with regard to the proposal.

In 1990 my wife and I were obliged to leave Lower King to escape suburbia and its attendant problems. At great cost we re-located to Hunton Road, Kalgan, a quiet and peaceful place to live, this peace and quiet is now under threat thanks to the proposed subdivision on my doorstep.

Other concerns are as follows.....

- (a) It appears more traffic will be carried on Hunton Road, the intersection at Hunton Road and Nanarup Road is already dangerous, owing to the topography, vision to ones left is seriously compromised, there will be traffic accidents at this intersection.
- (b) As this is a rural farming area there are going to be problems with stray dogs wandering and attacking livestock.
- (c) There appears to be a proposed road coming from the development to bring traffic into Hunton Road, this will be opposite my driveway where red and black cockatoos, a protected species, are often seen. Any development here will spell the end of these cockatoos.
- (d) Owing to the small size of the proposed lots this will lead to the destruction of a quiet, pleasant rural area, a minimum of 32000M2, eight acres, would be more appropriate, otherwise this development will create suburbia with all its problems in a predominately farming area.

Yours faithfully,  




City of Albany Records  
 Doc No: ICR1267904  
 File: AMD303  
 Date: 21 JUN 2012  
 Officer: SPLAN2

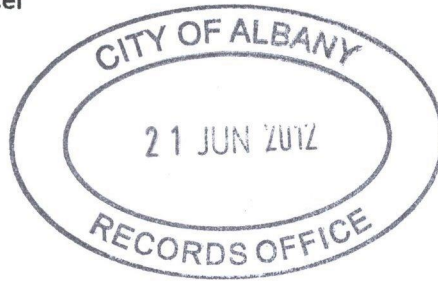
Attach:  
 Box:  
 /of:  
 Box+Vol:

The Chief Executive Officer

City of Albany

P O Box 484

ALBANY 6330



Dear Madam

**PROPOSAL TO RE ZONE PORTION OF LOT 461 ( Lot 50 ) NANARUP ROAD FROM RURAL ZONE TO SPECIAL RESIDENTIAL**

When Council considers the amendment to the Town Planning Scheme 3 as regards the above we make the following comments against such future approval:

The proposed amendment belies all logic because:

The proposed land is prime agricultural land with a strong history of production which, once rezoned cannot be replaced. Replacement of agricultural land is impossible.

The proposed development is "development for development sake" benefitting the Proposer in particular and the City of Albany and not the local residents.

Identify current demand - there does not appear to be any "pent up demand" for land the size proposed within the market at this time and perhaps not for some time.

Existing local residents who moved to live within the Kalgan district to the East of the Kalgan River over time did so to enjoy the "Rural Atmosphere/Living" in the knowledge that they were far enough away from "Suburbia" to enjoy the environment.

This proposal will destroy that living environment and bring "suburbia" within reach being with it the associated difficulties hence the change of Zoning from Rural to Special Residential and not Special Rural, which is readily acceptable, is disturbing.

Before such a proposal is passed the following Infrastructure matters need to be considered:

1. Drainage of Sewerage, Storm water, general roadway run off to avoid pollution of the Kalgan River and Oyster Harbour
2. Water supply
3. Fire Brigade safety/access/egress
4. Locality requirements - planning for future school sites, commercial businesses etc
5. Road/traffic/safety upgrades/requirements

AGENDA ITEM 2.3 REFERS

6. Kalgan River Bridge improvements including a safety walkway. (Actually required now)
7. Environmental study as to the destruction of natural vegetation and land slippage
8. Waste Management
9. Provision of Public open space/recreational matters

In May 2006 the Kalgan Community presented to the City "ISSUES FOR CONSIDERATION IN KALGAN PRECINCT PLANNING" a copy of which is attached hereto for your further consideration.

Thank you for the opportunity to register my/our concerns.

Yours faithfully

A handwritten signature, possibly "John", is written over the typed text "Yours faithfully". The signature is written in dark ink and is partially obscured by the typed text.

## ISSUES FOR CONSIDERATION IN KALGAN RECINCT PLANNING

This list has been derived from a workshop held at the Lower Kalgan Hall on 7 May 2006. The workshop was attended by more than 70 people, which is equivalent to one third of Kalgan ratepayers.

### PLANNING

Overall Plan for Kalgan and Environs to be developed – long term and comprehensive

#### Planning Process

- LKPA Planning and Developments Committee to be expanded and better supported financially
- Funding to employ *professional and independent* planning support guiding community input
- Regular planning meetings involving community and planning partners
- Support for community involvement from City of Albany, GSDC (facilitation and funding), others...
- Visions setting – improve awareness of options for planning, what can be achieved (eg through hearing about what other communities have achieved) and include an active Vision Setting component to the Precinct Planning process

#### Planning Policies

- To be based on interactive community involvement and input
- Regular meetings between community and other planning partners an important part of the planning process

#### Planning Partners

- Community to be equally involved in planning as other planning partners
- Planning Partners – to include all relevant members of the government (eg EPA, Water and Rivers Commission, etc) and non government (eg. LKPA, developers, tourism, etc)

#### Background Information to Planning

- City of Albany
  - community to be fully briefed on ALPS before able to respond fully to development of a Precinct Plan
  - seek information on current spending by Council on the Kalgan locality (eg on reserves, public facilities, etc etc). Information to include a comparison of spending with other districts within the City
- Other planning partners (eg. CALM, Water Corporation, Western Power, Main Roads, Noongar community, etc...) to be identified and bought into district planning process

### **Funding**

- Adequate funding for the development of a comprehensive, community based district plan to be established
- Future growth projections be costed. This to include infrastructure development

### **LAND CAPABILITY MAPPING**

This must be done as a matter of priority and become the basis of all future planning activities. THIS IS CONSIDERED AN IMPERATIVE TO THE DEVELOPMENT OF A SUCCESSFUL PRECINCT / LOCALITY PLAN. Land capability mapping to include:

- Topographic mapping
- Soil types
- Flora - remnant vegetation needs to be identified, mapped, surveyed and assessed for its qualities, and a system of green belts and reserves developed
- Fauna
- Road systems – network and condition
- Current land-use
- Fire management needs

### **UNIQUE DISTRICT IDENTITY AND VISUAL AMENITY**

- To be retained and maintained (country character, scenic beauty). THIS IS A UNIQUE POINT OF DIFFERENCE FOR THE KALGAN.
- Visual impact study to be undertaken
- Maintenance and retention of remnant vegetation
- Tree planting to provide screening using local plant species
- Visual impediments to be avoided and dis-allowed (eg. high density housing in highly visual locations, blue gum plantations that change the natural colour and nature characteristics of the area)

### **NATURAL ENVIRONMENT**

#### **River, harbour and tributaries**

- Their natural environments to be retained and preserved
- Development and implementation of a management plan
- Setbacks to be established and enforced
- Preserve recreational and reserve character – passive use a priority
- Ensure economic ventures using these facilities meet visual amenity and environmental management needs
- Revegetation
- Provision of Public Open Space

#### **Remnant vegetation**

- Vegetation survey to be conducted

*LPA  
CARM*

- Ensure future subdivisions allowances meet community expectations and equity demands
- Maintain visual amenity (eg. clusters of smaller area, higher density housing to protect overall visual amenity)
- Block sizes to be no less than Special Rural (ie. 1ha)
- Block size east of Hunton Road to be no less than 40ha

Development set-backs - for rivers, streams, vegetated areas and wetlands – to be defined and implemented

Future growth projections to be costed

Land use conflicts - development of policy to assist with resolution (eg. partner contributing to district economy and/or meeting pre-defined land use expectations to be given priority)

Preservation of rural ambiance, semi-rural lifestyle, and space and privacy for landowners who would like it

Urban sprawl

- Avoid
- intense development to be in or close to the City
- Not become a dormitory suburb

#### **LOCAL ECONOMY / ECONOMIC DRIVERS**

Current land-use information – what and where is it, does it sit within land capability constraints, how will it influence future development, needs to be available in map format

Existing commercial enterprise

- to be retained, encouraged and supported (eg. rural, horticultural, tourism, retail etc...)
- Viable economic land-uses to be developed around these areas not over or in them, with residential development on should be concentrated on lower-quality agricultural land

New (and appropriate) enterprise to be encouraged, including alternative income generation businesses that provide lifestyle opportunities for retirees, self employed and working from home

Tourism

- Tourism plan to be developed and activated. This plan to consider:
  - Impacts – social, environmental, economic
  - preferred locations for
  - economic potential
  - growth options and needs [including ongoing support for tourism by maintaining lifestyle qualities, naturalness and country character of the Kalgan locality]

- Incorporate into a Reserves and greenways plan that includes the Kalgan River and Mt Martin/Gull Rock, and which meets fauna needs
- Retain and effectively managed to prevent degradation
- Setbacks to be established and enforces

#### Fauna

- Fauna survey to be conducted
- Maintain environment suitable for native fauna
- Vermin control (foxes, rabbits, kangaroos)

#### Beaches and reserves

- Wetlands – to be protected
- Clearing of vegetation – none to occur
- Beaches – preservation of and access to them
- Vermin (especially kangaroos) – management controls developed and implemented
- Partnering – maintain connections with CALM and EPA involvement

#### Weeds

- Weed management strategy to be developed and implemented
- Weed control to be incorporated into developments and subdivisions

#### Fire management

### INFRASTRUCTURE DEVELOPMENT

Current and future requirements - are for:

*TRAFFIC*

- Road maintenance and upgrades (including between Lower King and Lower Kalgan bridges, and Mead Road and Nanarup T Junction)
- Road reserve management
- Waste management – improved rubbish collection services, provision of district waste disposal area, environmentally friendly and innovative facilities, sustainability to minimise contamination
- Reserves management, pathways and cycle-ways plan (including extension of harbour cycleway/pathway to Nanarup, Lower Kalgan Reserve pathway and footbridge over Kalgan River)
- Boating facilities – improvements to existing ramp, new ramp
- Public transport facilities
- Water supply (to Swan Point and other developments – or provide a subsidy)
- Underground power supply - for maintenance of visual amenity and fire safety
- access to information services (internet connections, library services, cost of access to information services)
- Local shopping facilities [not all travels to Albany]
- Primary school
- Communications systems (broadband)
- Catering for all age groups (young through to old)
- Tourist drives (eg. Gull Rock tourists Drive Like Marine Drive)
- New bridge (between Mt Martin and Emu Point)

- **Recreational facilities** – retention and maintenance of current, and development of new (eg at Lower Kalgan bridge with bbq, gazebo)

Location of future infrastructure to be planned and be matched to future development and demographic needs, with consideration given to

- aging population
- reducing requirements for travel to city

**Infrastructure Development Levy** – on new blocks from sub-divisions to finance LOCAL infrastructure

Council to provide administrative and/or financial support for provision of community services

### **INNOVATIVE LAND-USE AND MANAGEMENT SYSTEMS**

Further development **MUST INCLUDE** and address issues such as

- sewerage systems
- potable water supply (that does not rely on scheme water; rainwater tanks/self sufficiency to be encouraged)
- water catchment and usage
- land trading rights (where contribution to community values is traded with more intensive land-use rights)
- block size (to include rural and semi rural, and location)

### **FUTURE GROWTH AND LAND DEVELOPMENT**

Demographics – current and future demands

Future demand and growth predictions for the Kalgan locality – what are they and where

Planning regulations, constraints and visions – who has them, what are they, how do they influence future planning options, if inappropriate how can they be changed

Consistent handling of proposed development – small and large landholders / developers treated equitably

In accordance with EPA and DPI demands and regulations

Block Sizes and Locations

- Identify current demand
- Identify future need and preferred locations for
- *Balance between rural / hobby farms / residential lots*
- Block sizes - variety of sizes to meet a variety of need (eg. residential, horses, tourism, aging population etc)
- Scatter of different size blocks throughout the district
- Potential land-use conflict issues to be considered

- partners in development - Noongar community, CALM
- implementation strategy

**Industrial enterprise – to be considered**

**Economic sustainability – from rates, taxes and rezoning being turned back into the community**

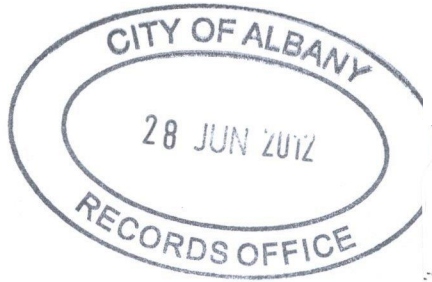
**Incentives for intensive land use and rural enterprise**

**Subdivisions – support but only if done well and in accordance with community approved development plan**

**Facilitate and encourage local employment / self employment opportunities**



AMD303  
Jan.



June 28, 2012

Chief Executive Officer  
City of Albany  
PO Box 404  
Albany WA 6330

Submission with reference to...  
Town Planning Scheme No.3  
Amendment No.303

Dear CEO/acting CEO/planning staff:



Doc No	City of Albany Records
File:	ICR1268567
Date:	AMD303
Officer	29 JUN 2012
	SPLAN2
Attach:	
Box:	
/of	
Box+Vol.	

I am writing this submission with concern for the above mentioned amendment to the town planning scheme, which includes a development proposal for Lot 50 Nanarup Rd, particularly for rezoning from Rural to Special Residential

I am concerned as the son of a rural land holder for an adjoining property as well as a business owner conducting business activities on this adjoining property.

My concerns are on two levels; firstly for the development itself, bringing residential holdings into a rural setting, and secondly for the overall planning strategies for the Kalgan area particularly for managing services such as water, power, sewer and roads.

1. Surrounding rural properties need to be able to conduct their businesses without obstruction. Control of weeds, pests, diseases, vermin all need to continue, without complaint and obstruction. There is a very high likelihood residential development along side these activities will result in complaints, objections, arguments and potential court cases. Planning and development design needs to take this into consideration. Buffer zones with additional vegetation particularly on the Western Side of the proposed development, do not appear sufficient or even existent in the development proposal. At least 30m wide strip of Native trees and shrubs is needed down the entire Western Boundary, to provide this required buffer. This will also provide a good habitat for native fauna to shelter. A fire access track also needs to be included down the entire length of this boundary.
2. As a regular user of Lower King Rd and Nanarup Rd I see traffic congestion as being a real problem, with congestion and increased use comes increased accidents and the much greater risk of a fatal accident. The current volume of traffic at peak times is near capacity, so with projected numbers potentially doubling across the Kalgan Bridge (based on one additional vehicle per household, for the total potential house blocks in this development as well as further planned developments at Swan Point) the situation can only get much worse. Road upgrades will be required without question. Further to this will be the additional pedestrian traffic on the Kalgan bridge – any of which is an accident waiting to happen. A dedicated pedestrian walkway is essential, particularly in relation to children getting to and from the Grammar School Safely. Increased uses of the beautiful Kalgan river as a recreational area will also increase the demand on the bridge with a big increase in pedestrian numbers.

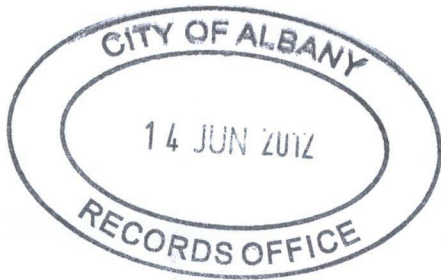
I look forward to a response to this submission and hope that approval to the proposed development is postponed until these concerns are addressed.

Sincerely,



AMD 303  
Jan

AGENDA ITEM 2.3 REFERS



R K SNOWBALL  
PO BOX 5284  
ALBANY 6332

8 June 2012



City of Albany Records  
Doc No: ICR1267303  
File: AMD303  
Date: 14 JUN 2012  
Officer: SPLAN2  
  
Attach:  
Box:  
Vol:  
Box+Vol:

Chief Executive Officer  
City of Albany  
PO Box 484  
ALBANY 6331

Dear Sir/Madam

RE: TOWN PLANNING SCHEME NO. 3  
AMENDMENT 303  
PORTION OF 461 (LOT 50) NANARUP ROAD, KALGAN

I have perused the plans and documents referring to the proposal to re-zone from "Rural" to "Special Residential".

I wish to support the proposal.

I am familiar with the land and consider it to be most suitable as "Special Residential" lots. A successful subdivision will provide the opportunity for future residents to acquire lots with outstanding views in a picturesque location.

Even though there are several "Special Residential" subdivisions in the Albany area none possess the quality of views and scenery as that of the subject land. In addition Albany seems to concentrate on providing very small suburban lots which do not always hold appeal for lifestyle buyers. As a result many lifestyle buyers have opted to acquire property in Denmark with the result that Albany misses out on attracting them to this city.

Yours faithfully

**Jan Van Der Mescht**

---

**From:** Planning (External Use ONLY)  
**Sent:** Friday, 25 May 2012 4:43 PM  
**To:** Jan Van Der Mescht  
**Subject:** FW: EF1266080 - AMD303 - Amendment No.303 - Rezone Portion of Lot 50 No.461 Nanarup Road, Lower Kalgan

**SynergySoft:** EF1266080 - AMD303

FYI

---

Jessica Davidson  
**Administration Officer - Planning**

**Tel:** (08) 9841 9383  
**Fax:** (08) 9841 4099



PO Box 484 | Albany | WA | 6331 (102 North Road Yakamia) | [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

Please consider the environment before printing this email.

---

**From:** Walkerden, Norm F [<mailto:Norman.F.Walkerden@team.telstra.com>]  
**Sent:** Thursday, 24 May 2012 2:48 PM  
**To:** Planning (External Use ONLY)  
**Subject:** EF1266080 - AMD303 - Amendment No.303 - Rezone Portion of Lot 50 No.461 Nanarup Road, Lower Kalgan

Attn: Jan Van Der Mescht

Ref: AMD303/PA37945/AMD303

**Amendment No.303 - Rezone Portion of Lot 50 No.461 Nanarup Road, Lower Kalgan**

Thank you for the above advice. At present, Telstra Corporation Limited has no objection. I have added it to our database and look forward to further documentation as the development progresses.

A network extension may be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBNC Co or the Telstra Smart Community website: <http://www.telstra.com.au/smart-community/developers/> .

More information regarding NBNC Co can be found on their website <http://www.nbnco.com.au/> . I add this information about NBNC Co as it is not known when services will be available from NBNC Co. Telstra may provide services if NBNC Co cannot.

Please dial 1100 (Dial before You Dig) for location of existing services.

Regards,



**Norm Walkerden** - Strategic Forecaster

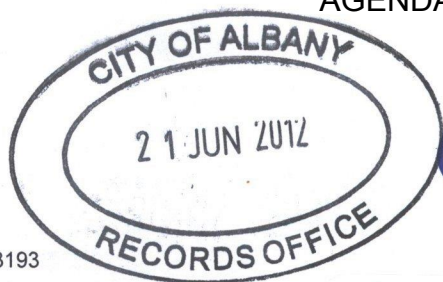
Forecasting & Area Planning, Fixed and Access Engineering, Network and Access Technology, Telstra Operations

**Postal:** Locked Bag 2525 Perth WA 6001 **Phone:** 08 6224 6272 **Email:** [Norman.F.Walkerden@team.telstra.com](mailto:Norman.F.Walkerden@team.telstra.com)

This communication may contain confidential or copyright information of Telstra Corporation Limited (ABN 33 051 775 556). If you are not an intended recipient, you must not keep, forward, copy, use, save or rely on this communication, and any such action is unauthorised and prohibited. If you have received this communication in error, please reply to this email to notify the sender of its incorrect delivery, and then delete both it and your reply.

AMD303  
Jan

AGENDA ITEM 2.3 REFERS



Your Ref: AMD303/PA37945/AMDAMD303  
Our Ref: JT1 2011 10822 V01  
Enquiries: Ross Crockett  
Phone: 08 9420 2013 Facsimile 08 9420 3193



**Chief Executive Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331**

City of Albany Records  
Doc No. ICR1267902  
File AMD303  
Date 21 JUN 2012  
Officer SPLAN2

15<sup>th</sup> June 2012

attach:  
box:  
/ol  
box+Vol

Attention: **Craig McMurtrie**

**Town of Albany - Town Planning Scheme NO. 3 Amendment No. 303**

Thank you for your letter of 16<sup>th</sup> May 2012 regarding the above amendment.

The Water Corporation has no objection to this amendment.

This Lot is within the Albany Water Supply scheme, however servicing will require significant upgrades, the lot is also remote from a reticulated Wastewater scheme.

If you have any further queries on these comments please phone Ross Crockett on (08) 9420 2013

**Peter Howard**  
Manager  
Land Planning  
Development Services Branch

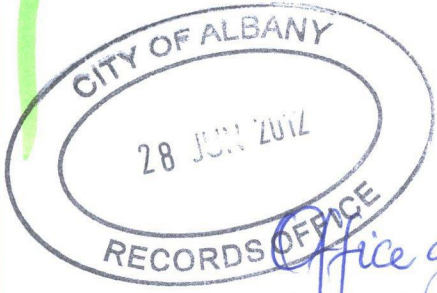


AGENDA ITEM 2.3 REFERS



Doc No	City of Albany Records
File:	ICR1268567
Date:	AMD303
Officer	29 JUN 2012
	SPLAN2

Attach:  
Box:  
/ol:  
Box+Vol:



Office of the CEO,  
City of Albany,  
102 North Road,  
Yakamia, 6330.

For the attention of Mr. Jan Van Der Mescht  
Senior Planning Officer

Dear Sir, Your ref: AMD 303/PA 37945/AMD AMD 303

We thank you for the opportunity to comment on the proposal referenced in your letter of 16 May, 2012:

1. Without LSP1 and long-term planning for the district in place, the proposal is premature.
2. In a visually sensitive rural area the projected number of lots appears excessive.
3. Any rezoning should safeguard the rural character of the district.
4. Undesirable exposure of buildings will be increased if "in order to retain views from surrounding properties shrubs and trees should be restricted in height to 3 metres," as clause 7.2 of Schedule IV requires.
5. A significant buffer area should be set up to the boundaries of adjacent rural/farming properties.

Yours faithfully.

AMD303  
Jan

AGENDA ITEM 2.3 REFERS



Mr Jan Van Der Mescht  
Senior Planning Officer  
Albany City Council

City of Albany Records  
Doc No: ICR1268508  
File: AMD303  
Date: 28 JUN 2012  
Officer: SPLAN2

Attach  
Box:  
Vol:  
Box+Vol:

28<sup>th</sup> June 2012

Dear Sir,  
I wish to comment on the proposal to rezone a portion of 461 (Lot 50)  
Nanarup Road from Rural Zone to the Special Residential Zone.

I am the owner of  
- 5001

and have been for 46 years. My property was originally part of  
"Candyup".

I am aware of the growing need for urban expansion and the increasing  
desire  
for "Life Style" properties which quite often are difficult to manage re:  
livestock,  
firebreaks etc.

I would like to lodge my approval to this proposal for "Special Residential"  
zoning with the proviso that "green belts" are incorporated into the  
future  
development.

Thankyou for the opportunity to comment on this proposal.

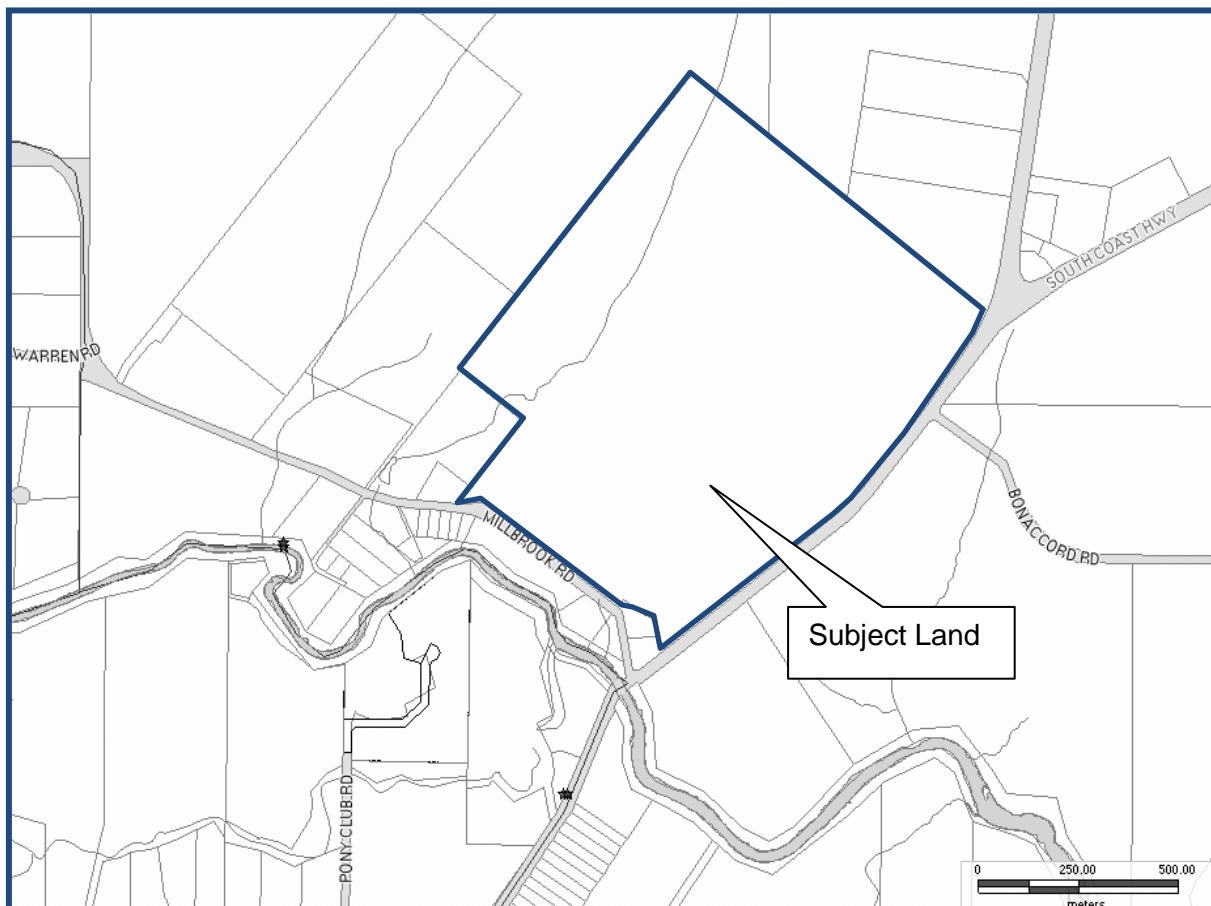
Yours Faithfully.



**2.4: FINAL APPROVAL OF AMENDMENT – LOT 50 CHESTER PASS ROAD, KING RIVER**

<b>Land Description</b>	: Lot 50 Chester Pass Road, King River
<b>Proponent</b>	: Harley Global
<b>Owner/s</b>	: G C & G L Cake
<b>Business Entity Name</b>	: N/A
<b>Attachment (s)</b>	: Draft modified subdivision guide plan
<b>Councillor Workstation</b>	: Copy of OCM 16/12/2008 – Item 11.3.2 (SAR138) : Copy of OCM 15/06/2010 – Item 13.2.2 (Initiation of AMD299) : Amendment Document (AMD299) : Copy of submissions
<b>Responsible Officer(s)</b>	: Executive Director – Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- Final approval is sought for the proposed scheme amendment to rezone Lot 50 Chester Pass Road, King River from the 'Rural' zone to the 'Special Rural' zone.

**ITEM 2.4: ALTERNATE MOTION BY COUNCILLOR BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOSTOCK  
SECONDED: COUNCILLOR BOWLES**

**THAT Council does NOT support the Responsible Officer Recommendation to adopt  
Amendment No. 299 to Town Planning Scheme No. 3.**

**LOST 2-10**

**Record of Vote**

For the Motion: Councillors Bostock and Bowles

**ITEM 2.4: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY  
SECONDED: COUNCILLOR ATTWELL**

**THAT Council:**

- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **ADOPTS SUBJECT TO MODIFICATION** Amendment No. 299 to Town Planning Scheme No. 3 for the purposes of:
  - i) Rezoning Lot 50 Chester Pass Road, King River from the Rural Zone to Special Rural Zone No. 41 and amending the Scheme Maps accordingly; and
  - ii) Inserting provisions relating to the subdivision development and use of Special Rural Area 41 into Schedule I of the Scheme Text.
- 2) **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

**CARRIED 10-2**

**Record of Vote**

Against the Motion: Councillors Bostock and Bowles

**BACKGROUND**

1. Amendment No. 299 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lot 50 Chester Pass Road, King River from the 'Rural' zone to the 'Special Rural' zone.
2. A Scheme Amendment Request (SAR138) was submitted to the City for assessment in October 2008 and reported to Council for consideration in December 2008, following consultation with various State Government agencies.
3. Staff recommended:

*“THAT Council ADVISE the proponents that it is not prepared to entertain the submission of a formal scheme amendment to rezone Lot 50 Chester Pass Road, King River to the “Special Rural” zone as it is not consistent with the strategic land use planning objectives as set out in the Albany Local Planning Strategy or the Lower Great Southern Strategy.”*

4. However, the following alternate motion was brought forward at the Ordinary Meeting of Council:

*“THAT*

*i) Council ADVISE the proponents that it is prepared to entertain the submission of a formal scheme amendment to rezone Lot 50 Chester Pass Road, King River to the “Special Rural” zone;*

*and*

*ii) the ALPS be amended to recognise this land as Rural Living.”*

The reasons given for the alternate motion were as follows:

*“The location is adjacent to other special rural lots, restaurants, hotel, service station and holiday accommodation enterprises. If developed as a quality subdivision, the land would enhance the locality and improve local infrastructure and make the existing facilities more viable. The Proponent should be given the opportunity to qualify the benefits of developing a special rural subdivision in this locality.”*

The motion was carried by Council with a 6-4 majority.

5. In accordance with Council’s adopted motion, the Albany Local Planning Strategy was subsequently amended and a formal scheme amendment proposal was lodged in December 2009. The scheme amendment was initiated, subject to modifications, at the Ordinary Council Meeting on 21 February 2012.
6. Following public advertising and referral to utility companies and State Government agencies, Council is now required to consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed scheme amendment.

## **DISCUSSION**

7. The subject lot covers an area of approximately 102ha and lies to the north-west of Chester Pass Road and to the north-east of Millbrook Road, approximately 10km north-north-east of Albany town centre. The land has historically been used for farming and is largely cleared, with only a few trees remaining in two stands adjacent to Chester Pass Road and another stand toward the north of the Lot. There is also some less degraded remnant vegetation along the creek line to the west of the lot. Five large dams lie between the creek line and the north-western lot boundary. There are two smaller dams on the southern extent of the creek line and a further three dams in the southern half of the lot. There is a gravel extraction pit in the northern half of the lot and it is estimated that there is sufficient gravel left in the pit for it to operate for a further three to four years. A dwelling and associated outbuildings stand near the centre of the lot and a second dwelling and associated outbuildings stand in the trees toward the southern corner of the lot.

8. The surrounding land is primarily zoned 'Rural', with the exception of Lots 20, 21 and 52 Millbrook Road, which are zoned 'Special Site' and occupied by Albany Happy Days Caravan Park, the King River Tavern and attendant caretaker's houses.
9. During the advertising and referral stage, Main Roads WA highlighted concerns over the potential noise impact on the development from heavy freight traffic using Chester Pass Road and the pressure that would be placed on the substandard intersection of Chester Pass and Millbrook Roads as a direct result of additional traffic generated by the development.
10. Following discussions with the landowner and consultant, it was agreed that the subdivisional layout could be redesigned to incorporate a future realignment of Millbrook Road. This would create a new intersection with Chester Pass Road with better lines of sight and the availability of land for the construction of slip lanes and a turning pocket. Ultimately, Main Roads WA will seek the closure of the intersection between Chester Pass and Millbrook Roads when the realignment of Millbrook Road has been completed. This matter may need to be considered separately to this amendment at a later date, as it will require further public consultation. However, it is noted that closure of the intersection has potential to adversely affect businesses that are located on this stretch of road, including the King River Tavern.
11. The proposal includes a generic 50m noise buffer adjacent to Chester Pass Road. However, Main Roads WA have advised that this may be inadequate. The landowner has advised that an acoustic study was undertaken along Chester Pass Road, including his property, approximately twelve years ago. However, no record of this study can be found by either Main Roads WA or the City of Albany. As the landowner has advised they are unwilling to fund a further acoustic study, it has been agreed that a generic 80m buffer should be added to the subdivision guide plan, as this is more acceptable to Main Roads WA, and supplemented by a special provision in the scheme text, requiring an acoustic study to be undertaken to refine this buffer at the time of subdivision.
12. A draft modified subdivision guide plan is appended to this report, illustrating the realignment of Millbrook Road and the proposed 80m noise buffer to Chester Pass Road.
13. Lot 50 has been identified in the ALPS as suitable for 'Rural Residential' development and the proposal is broadly consistent with the strategic objectives and aims of sections 8.3.1 and 8.3.5 of the ALPS.

#### **GOVERNMENT CONSULTATION**

14. The amendment was referred to WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education, Fire and Emergency Services Authority (FESA) and Main Roads WA for assessment and comment. Responses were received from Water Corporation, Western Power, Department of Agriculture and Food, Department of Water, Department of Environment and Conservation, Department of Education, FESA and Main Roads WA. These submissions are summarised,

discussed and accompanied by appropriate recommendations in the attached Schedule of Submissions.

### **PUBLIC CONSULTATION / ENGAGEMENT**

15. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 5 October 2011 to 17 November 2011 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in the local newspaper.
16. Two submissions were received from adjoining/nearby landowners.

### **STATUTORY IMPLICATIONS**

17. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
18. Council's decision on the final approval of the amendment requires endorsement by the WAPC and the approval of the Minister for Planning.

### **STRATEGIC IMPLICATIONS**

19. Council's decision on the Scheme Amendment should be consistent with the objectives of the ALPS as the principal land use planning strategy for the City.
20. The area has been identified as being suitable for 'Rural Residential' development in the Albany Local Planning Strategy (ALPS). In addition to this designation, the proposal should be assessed against the specific strategic objectives and aims set out in Sections 8.3.1 and 8.3.5 of the ALPS text, which set the strategic settlement direction and objectives for rural living areas.
21. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

*“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany.”*

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- *“Providing for growth in urban areas, rural town sites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*
- *Reducing government expenditure on servicing current and future populations.”*

22. Section 8.3.5 – *Rural Living* sets the following Strategic Objective:

*“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”*

The ALPS expands on this by stating that:

*“The strategy’s objectives for Rural Living areas are to:*

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

*Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.*

*Existing Special Rural and Special Residential zones in the City’s current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are not connected to reticulated water”.*

23. The proposal is considered to be broadly consistent with the various Strategic Objectives and aims set out in the ALPS, particularly those contained within Section 8.3.5 – *Rural Living*.

## **POLICY IMPLICATIONS**

24. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.

### **25. SPP 1 – State Planning Framework**

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

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

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

The key policy objectives in SPP 3 are as follows:

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.”*

The Amendment proposal is considered to be broadly consistent with the key policy measures identified in SPP 3.

**RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Potential bushfire risk</i>	<i>Likely</i>	<i>High</i>	<i>High</i>	<i>Application of the methodology set out in Planning for Bush Fire Protection Guidelines Edition 2 and Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.</i>
<i>Potential road traffic accident risk</i>	<i>Likely</i>	<i>Severe</i>	<i>Extreme</i>	<i>Realignment of Millbrook Road and construction of an improved intersection with Chester Pass Road.</i>

**FINANCIAL IMPLICATIONS**

27. The prescribed planning fee of \$3500 has been received and staff has processed the application within existing budget lines.

**LEGAL IMPLICATIONS**

28. Section 75 of the *Planning Development Act 2005* allows Council to amend its Town Planning Scheme.
29. Regulation 17(2) (a) of the *Town Planning Regulations 1967* allows Council to adopt the Scheme with or without modification.

**ALTERNATE OPTIONS**

30. Council has the following options in relation to this item, which are:
- To adopt the Scheme Amendment without modifications;
  - To adopt the Scheme Amendment with modifications; or
  - To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.

**SUMMARY CONCLUSION**

31. The proposal will facilitate the subdivision and development of Lot 50 Chester Pass Road, King River for rural residential living.
32. The proposal has adequately addressed environmental and fire management concerns and will be modified to adequately address residential amenity and road safety concerns. It is broadly consistent with the strategic objectives and aims of the ALPS and SPPs 1 and 3.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1
<b>File Number (Name of Ward)</b>	AMD299 (Kalgan Ward)
<b>Previous References</b>	Copy of OCM 16/12/2008 – Item 11.3.2 (SAR138) Copy of OCM 15/06/2010 – Item 13.2.2 (AMD299)



**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 299  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	<p>The Environmental Protection Authority (EPA) has determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act), but nevertheless provides the following advice and recommendations:</p> <p><b>1. Environmental Issues</b></p> <p>1.1 Management of water quality and quantity.</p> <p><b>2. Advice and recommendations regarding Environmental Issues</b></p> <p><b>2.1 Management of Water quality and quantity</b></p> <p>It is crucial that changes in land use will not lead to unacceptable impacts on groundwater resources, creeks and King River. The Office of the Environmental Protection Authority (OEPA) notes that a Local Water Management Strategy has been prepared, and that an Urban Water</p>	<p>A Local Water Management Strategy has been included within the amendment document and does include land capability, identification of waterways and wetland areas and conceptual stormwater management plans. A more detailed Urban Water Management Plan will be required at the time of subdivision.</p> <p>The DoW has also commented on the proposal and has advised that a Foreshore Management Plan and Revegetation Plan for the protection and enhancement of the creek line will be required at the time of subdivision.</p> <p>A special provision can be added to the scheme text to reference the requirement for a foreshore</p>	<p>The submission is upheld in part.</p> <p><u>Modifications required:</u></p> <p>An additional provision shall be added to section 6.0 <i>Vegetation and Creek Protection</i> with the following wording:</p> <p><i>“Council will request the WAPC to impose a condition at the time of subdivision requiring a foreshore management and revegetation plan to be prepared for the creek line.”</i></p>	<p>Noted. LWMS endorsed by DOW.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>Management Plan will be a requirement subject to approval of the subdivision guide plan.</p> <p>The OEPA supports the recommendation of a Foreshore Management Plan and Revegetation Plan for the protection and enhancement of the creek line as outlined in the report by Harley Global, May 2011.</p> <p>It is expected that scheme provisions be modified accordingly in the 'Special Rural Area 41' zone of the City of Albany Town Planning Scheme No. 3 to include a Foreshore Management Plan and Revegetation Plan.</p> <p>The responsible authority should work closely with the Department of Water regarding advice for Best Management Practices and drainage solutions to demonstrate total water cycle</p>	<p>management plan and revegetation plan at the time of subdivision.</p>		<p>Noted.</p> <p>Agreed. The Scheme Provisions for Special Rural Area No.41 will be modified to include reference to the provision of a Foreshore Management Plan and Revegetation Plan as a condition of subdivision approval.</p> <p>Noted and to be addressed at the subdivision stage.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>management on the site. Accordingly, a Drainage and Nutrient Management Plan should be prepared to incorporate water sensitive urban design principles and best management practices and monitoring requirements. The management plan should also include contingency provisions in the event that the criteria established for water quality and quantity are not met.</p>			
2	<p>Water Corporation PO Box 915 ALBANY WA 6331</p>	<p>The Corporation has no objection to the amendment subject to the following advice.</p> <p>It is noted from the amendment report section 8.0 Water Supply, clause 8.1 that <i>“Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots”</i>. Furthermore, the Western Australian Planning Commission Development Control Policy 3.4 Section 3.2 Water for rural-residential development states that <i>“When approving lots for rural-residential development (1-4ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so”</i>.</p>	<p>It is understood that the developer will be responsible for funding the necessary extensions to the reticulated water network.</p>	<p>The submission is noted.</p>	

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>It is also noted from the Albany Local Planning Strategy, Strategic Plan: Urban Map 9B that land immediately south of the King River is shown as Special Rural, and land to the north as Rural Small Holding. This gives the Corporation an indication of the extent and type of future development in that locality for water supply planning. The proposed development consists of 70 lots, most of which are of a minimum lot size of 1ha.</p> <p>The development is within the Albany water supply scheme plan area. The scheme is for a DN250 main along Chester Pass Road to Millbrook Road (1km) and from there on a DN200 to Bon Accord Road (1km). A DN200 main is required along Millbrook Road (0.7km). Refer to attached plan. These mains are classed as minor works or 'reticulation' mains and are to be funded by the developer.</p> <p>Lot 50 already has a water main fronting its southern boundary. However, the capacity of that main is insufficient for the development area. Additional mains are</p>			<p>Noted and to be addressed at the subdivision stage.</p> <p>Noted.</p>

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.4 REFERS

## AMENDMENT No. 299

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>required for this development in accordance with the water supply scheme.</p> <p>Where the cost of infrastructure is outside the capability of single developers, the Council may consider the application of a Developer Contribution Scheme.</p>			Noted.
3	Western Power Locked Bag 2520 PERTH WA 6001	No objections.	Nil.	The submission is noted.	Nil.
T4	Department of Agriculture and Food 444 Albany Highway ORANA WA 6330	<p>While it is acknowledged that the assessment and supporting information is comprehensive, the Department of Agriculture and Food WA (the Department) <b>does not support</b> the proposal to irreversibly rezone Lot 50 Chester Pass Road, for the following reasons:</p> <p>1. While noted in the proposal documentation (page 10) that <i>“the land is not set aside for Priority Agriculture by the Albany Local Planning Strategy (ALPS), approximately 30% of the northern portion of the property has been identified as Priority Agricultural Land (Land of State and Regional</i></p>	<p>While the Department of Agriculture and Food’s points of objection are noted, the proposal is consistent with previous resolutions of Council and the strategic direction set out in the ALPS.</p> <p>A land capability report prepared by Opus International Consultants has identified the suitability for development and effluent disposal across large parts of Lot 50. Those</p>		Noted. A Detailed Land Capability Assessment has been undertaken by OPUS which supports this proposal.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p><i>Significance) which is also illustrated in the published Lower Great Southern Strategy”.</i></p> <p>Of the total property area, it is estimated that close to 80ha is capable of supporting some form of intensive agriculture. The site assessment (soil descriptions, soil analysis and comments about winter water availability) together with summary information from the land capability assessment (LCA) by Opus, confirm the high suitability of the land for intensive / perennial agriculture.</p> <p>Further assessment by the Department in reviewing the availability of High Quality Agricultural Land in the Albany area has also identified that the property (Lot 50, Chester Pass Road) has a mix of Priority 2 and Priority 3 High Quality Agricultural Land.</p> <p>2. The irreversible loss of this land through rezoning from ‘Rural’ to ‘Special Rural’ comprises the availability of large land parcels suitable for irrigated intensive agriculture in the Albany region,</p>	<p>areas that do not have sufficient land capability are identified as development or effluent disposal exclusion areas.</p> <p>The subdivision guide plan contains development exclusion areas and revegetation along the north-east and north-west boundaries of Lot 50, which will provide adequate buffers to agricultural activities on adjoining lots, in accordance with the EPA guidelines: <i>Separation Distances Between Industrial and Sensitive Land Uses.</i></p>		<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>particularly those with a combination of good soils, good water quality and with close proximity to major transport and export facilities.</p> <p>The property comprises niche soil types, which are preferred in the Albany area for intensive irrigated agricultural production – specifically perennial horticulture. While some parts of the landscape are at risk of flooding and saturated soils, some of these areas offer advantages in terms of sustainable crop water use under a drying climate, potentially decreasing the reliance on irrigation.</p> <p>3. The land assessment for Lot 50 notes the presence of potential ground water resources, including perched seasonal (winter) water tables. The document also includes a section (to the end of the report) addressing the potential protection and future monitoring of groundwater resources on or near to the property. No further information on the current quality or quantity of the ground (or surface) water is supplied in the</p>			<p>Noted.</p> <p>Noted and has been addressed in LWMS endorsed by DOW.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>Scheme Amendment proposal documentation.</p> <p>The combination of good quality water (surface and ground water) together with suitable soils and large lot size, suggests that this property presents unique and valuable attributes for possible future food production. It is therefore recommended that further information should be supplied on the potential quantity and quality of ground (and surface) water resources.</p> <p>4. The Scheme Amendment proposal presents Albany's long term Median annual rainfall (930mm). This datum is inconsistent with recent analysis undertaken by the Department. From the Department's comprehensive investigation, the Median rainfall (1975 to 2010) is 795mm and the annual average rainfall is 803mm. It should therefore be noted that the Scheme Amendment proposal and supporting documentation has little or no information addressing a decreasing rainfall for the Albany region.</p>			<p>Noted.</p> <p>Noted.</p>



**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>	<b>Proponent Comment</b>
		<p>In a changing climate with observed reduction in annual rainfall, new subdivision proposals have the potential to demonstrate smart planning concepts through the use of innovation and new technology. The Scheme Amendment proposal documentation addresses water management risk issues in regard to nutrients, episodic storm events and potential flooding. However, absent from potential recommendations for caveats or covenants for climate responsive (post-development) property storm water recycling and/or sustainable housing design to, for example, maximise rooftop water collection, etc. Sustainability and water efficiency should be part of new development policy.</p> <p>5. Based on the proposed subdivision layout, the potential for land use conflict is high because of the lack of buffer/separation distance between the proposed 'Special Rural' lots and the adjacent 'Rural' (agricultural) land. The proposed landscaped buffer of 50m will be inadequate.</p>			<p>Noted. To be addressed at subdivision and development approval stages.</p> <p>Noted. Appropriate buffers, revegetation and Development Exclusion Areas included on the Subdivision Guide Plan to manage these land use conflicts.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>While the assessment report indicates that the proposed lots will have a reticulated water supply, the assessment documentation discusses using rainwater tanks as a secondary source of drinking water (i.e. “40% of domestic water supply will come from rainwater tanks”). To ensure that potential rainwater supply – captured and stored in rainwater tanks, is not contaminated by possible chemical spray drift or dust from the adjacent rural land, the abovementioned buffer will need to be considerably wider than the proposed 50m.</p> <p><u>Buffers and Setbacks</u> Any changed land use on agricultural land needs to include buffers on the rezoned land to minimise land use conflict. To ensure agricultural operations on land next to rezoned areas are not restricted, the Department recommends that minimum setbacks/buffers should be incorporated into the rezoned areas in accordance with the EPA guidelines: <i>Separation</i></p>			<p>Noted.</p> <p>Noted. Appropriate buffers, revegetation and Development Exclusion Areas included on the Subdivision Guide Plan to manage these land use conflicts.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p><i>Distances Between Industrial and Sensitive Land Uses.</i></p> <p>6. It should also be noted that when comparing LCA Table 7 (Soil sample analysis for pH – on page 20) to the CSBP analytical results presented in the document appendices – it appears that data in Table 7 is a mix of results from different analytical methods with some measured in deionised water and the rest in Calcium Chloride (i.e. contrary to the description in the table header that infers all of the results presented in the table are reported as being measured in deionised water). It is also unclear from Table 7 and associated summary text as to what depth the samples were collected, whereas from the reported CSBP data, the sampling depth varies at each Test Pit (ranging from 10cm to 200cm). While perhaps only a simple translation error, comparing analytical results from different methodologies and different soil layers is like comparing apples with oranges.</p>			<p>Noted.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
5	Department of Water PO Box 525 ALBANY WA 6331	<p>The Department of Water provides the following comments:</p> <p><b>Waterways</b>  <u>Reinstatement of environmental flows</u>                      A minor waterway drains through the property, flowing to the King River. A large on-stream dam intercepts flow from this creek which has been used for agricultural purposes. This dam has interfered with the environmental flows to this waterway. With the proposed change in land use, the dam will no longer be required. Lot 9 will contain a large dam, so that source should provide sufficient water resources for that lot.</p> <p>It is understood that the dam wall will be lowered and made wider to allow for access to lots 8 &amp; 9. The DoW recommends that culverts be installed into the dam wall to restore the natural flows of the waterway.</p> <p><u>Waterway restoration</u>                      The waterway has differing condition states; proposed Lot 10 contains good quality riparian vegetation with only some minor weed incursion, while lots 7, 8 &amp; 9 are largely cleared, with only some trees</p>	<p>A Foreshore Management Plan and Revegetation Plan for the protection and enhancement of the creek line will be required at the time of subdivision.</p> <p>A special provision can be added to the scheme text to reference the requirement for a foreshore management plan and revegetation plan at the time of subdivision.</p> <p>A development exclusion area has been added along the creek line on the draft modified subdivision guide plan.</p> <p>The reference to human consumption of dam water should be deleted from page 16 of the amending document.</p> <p>The conflicting statements</p>	<p>The submission is upheld in part.</p> <p><u>Modifications required:</u></p> <p>An additional provision shall be added to section 6.0 <i>Vegetation and Creek Protection</i> with the following wording:</p> <p><i>“Council will request the WAPC to impose a condition at the time of subdivision requiring a foreshore management and revegetation plan to be prepared for the creek line.”</i></p> <p>A development exclusion area along the creek line shall be illustrated on the subdivision guide plan, as per the draft modified plan</p>	<p>Noted.</p> <p>Noted. To be addressed at subdivision approval stage.</p> <p>Noted. To be addressed at subdivision approval stage.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>remaining. The DoW will recommend at the time of subdivision that restoration works are undertaken to improve the condition of the waterway. This will involve revegetation, weed control, reinstatement of environmental flows through the removal of the large dam on Lot 9 and restoration of the badly eroded area downstream from the dam on Lot 7. As stock may be permitted on the lots, the waterway should be fenced.</p> <p><u>Foreshore management plan</u> The DoW will recommend at the time of subdivision that a foreshore management plan be prepared. The foreshore management plan will identify the areas to be revegetated, weed control, fencing required to exclude livestock and an implementation table to assist the landholders with the ongoing management of the creek.</p> <p><u>Development exclusion area</u> The waterway has differing condition states; proposed Lot 10 contains good quality riparian vegetation with only some minor weed incursion, while lots 7, 8 &amp; 9 are largely cleared, with only some trees</p>	<p>about the requirements for rainwater tanks are noted and this should be clarified.</p> <p>A more detailed Urban Water Management Plan will be required at the time of subdivision.</p>	<p>appended to the officer's report.</p> <p>The reference to human consumption of dam water shall be deleted from page 16 of the amending document.</p> <p>The conflicting statements in the amending document regarding the provision of rainwater tanks on lots shall be clarified prior to finalisation of the amendment.</p>	<p>Noted.</p> <p>The Scheme Provisions for Special Rural Area No.41 will be modified to include reference to the provision of a Foreshore Management Plan and Revegetation Plan as a condition of subdivision approval.</p> <p>Noted.</p> <p>Areas of Development Exclusion have been provided along the entire creek line.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>remaining. It would appear that the subdivision guide plan recognises these areas with existing vegetation with the notation of a development exclusion zone. However, other sections of the creek that possibly have no existing vegetation are designed only with effluent disposal exclusion. As the DoW will be recommending for revegetation to occur along the waterway at the time of subdivision, this area should also be identified as a development exclusion zone, in order to provide an appropriate buffer to the waterway.</p> <p>The subdivision guide plan should also show the large dams on lots 8, 9 &amp; 10 that are to be retained.</p> <p><b>Stormwater Management</b></p> <p>The local water management strategy has been reviewed and the following comments are provided. This advice has also been given directly to the consultant, Bio Diverse Solutions.</p> <ul style="list-style-type: none"> <li>The environmental mapping and land capability report identifies large areas of</li> </ul>			<p>Noted.</p> <p>Noted and agree.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>water-logged/high watertable land in the south of the block. DoW supports the designation of this land as effluent disposal exclusion area.</p> <ul style="list-style-type: none"> <li>• The existing dams are suitable for use in retaining stormwater flows, after suitable treatment through roadside swales and biofiltration beds.</li> <li>• It is suggested that the reference to human consumption of dam water on page 16 should be removed. The DoW would not recommend that, nor is it likely that the Department of Health would.</li> <li>• The document makes conflicting statements about the requirements for rainwater tanks. Page 10 state that rainwater tanks are encouraged, but not mandated. However, page 20 (table 3) states that all buildings will be required to install rainwater tanks as their secondary water source. Which statement is correct?</li> <li>• The DoW endorses the use of roadside swales and biofiltration gardens to treat 1:1 yr ARI events.</li> <li>• The DoW would prefer the use of native vegetation within the biofiltration gardens. However, the rationale (ease</li> </ul>			<p>Noted.</p> <p>Noted.</p> <p>Noted. Documentation will be amended accordingly.</p> <p>Noted.</p> <p>Noted and agree.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>of maintenance and risk of grass invasion) is understood. Kikuyu will provide excellent nutrient uptake.</p> <ul style="list-style-type: none"> <li>The proposed development is not immune from climate change (page 26). However, it is unlikely to be impacted by sea-level rise.</li> <li>The DoW supports the predevelopment monitoring programme.</li> </ul> <p>The DoW will request the preparation of an urban water management plan at the time of subdivision.</p>			<p>Noted and agree.</p> <p>Noted.</p> <p>Noted. To be addressed at subdivision approval stage.</p>
6	<p>Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330</p>	<p>The documentation supporting this proposal is very well presented and adequately addresses any issues of interest to the Department of Environment and Conservation (DEC). It is pleasing to note that due attention has been given to the small areas of remnant native vegetation on and adjacent to the property, and to the proposed use of local endemic species in revegetation plans.</p> <p>The response to potential bush fire risk has been well addressed in such a manner that the proposed hazard separation zones and</p>	Nil.	The submission is noted.	<p>Noted.</p> <p>Noted.</p>



## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.4 REFERS

## AMENDMENT No. 299

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>BAL criteria for house construction have ensured that the development will be 'stand alone' in the context of fire protection. This means that there will be no modification required to native vegetation on adjoining properties.</p> <p>The Albany Office of DEC has considered this amendment proposal on the basis of previous advice to the City of Albany regarding a scheme amendment request (November 2008), desk top assessment and a brief visit to view the subject land from adjacent public roads.</p>			Noted.
7	Department of Education 151 Royal Street EAST PERTH WA 6004	No objections.	Nil.	The submission is noted.	Noted.
8	Fire and Emergency Services Authority	WESTPLAN – BUSHFIRE (December 2010) assigns the HMA responsibilities for prevention to FESA, DEC and Local Government for their respective areas. Moreover it is acknowledged that: <i>“Local Government planning and development processes also play a role in bushfire risk</i>	The methodology prescribed in the <i>Planning for Bushfire Protections Guidelines Edition 2</i> has been applied to those lots at risk of bushfire.	The submission is upheld.  <u>Modifications required:</u>  An additional provision 11.3 shall be added to	Noted.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p><i>management by adopting specific standards as outlines in the joint FESA – WAPC document Planning for Bush fire Protection (edition 2 – May 2010)”.</i></p> <p>In view of the above, FESA expects that the methodology included in the <i>Planning for Bushfire Protection</i> document is applied to the subject development.</p>	<p>However, it would be of benefit to include a generic provision with section 11.0 <i>Fire Management</i>, identifying a requirement for all lots to be maintained in a low fuel state and provided with 3m boundary fire access tracks.</p>	<p>section 11.0 <i>Fire Management</i> with the following wording:</p> <p><i>“All lots shall be maintained in a low fuel state and provided with 3m boundary fire access tracks, as required by the City of Albany Fire Management Requirements.”</i></p>	
9	Main Roads WA	<p>Main Roads shall object to the proposed rezoning as the proposed subdivision and development of Lot 50 will have an adverse traffic impact and thus reduce the efficiency of the existing state road network.</p>	<p>Following discussion with Main Roads WA, it has been agreed that the subdivision guide plan will be modified to incorporate the realignment of Millbrook Road to a new intersection with Chester Pass Road and a generic 80m noise buffer to Chester Pass Road.</p> <p>A special provision can be added to the scheme text to</p>	<p>The submission is upheld.</p> <p><u>Modifications required:</u></p> <p>The realignment of Millbrook Road to a new intersection with Chester Pass Road and the application of a generic 80m noise buffer shall be illustrated on the subdivision guide plan, as per the draft modified</p>	<p>Noted. Main Roads has been directly consulted and the Subdivision Guide Plan has been modified with both improved intersection positioning and alignment provision for improvements to the existing Millbrook Road intersection. This reduces the traffic impact and offers increased efficiency for an</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>Chester Pass Road (South Coast Highway) is a heavy freight route providing access to Albany Port. This section of road will be upgraded to dual carriageway in the future and although the exact land requirements are not currently known it is imperative that an unimpeded transport link from the intersection of Albany Lake Grace Road and Chester Pass Road (South Coast Highway) to the Albany Port is provided.</p> <p>Minimising the impact of transportation on areas of residential usage is a key issue affecting the implementation of an effective and efficient land transport network. Extensive planning to reduce the impact of the Albany Ring Road has been undertaken and it is reasonable to expect that this section of the transport link justifies similar considerations.</p> <p>To ensure that an adequate level of service and safety is maintained it is important that</p>	<p>require an acoustic assessment at the time of subdivision. This will be used to refine the 80m noise buffer applied to the subdivision guide plan.</p> <p>The requirement for Section 70A notifications on the Certificates of Title of lots adjacent to Chester Pass Road, advising prospective purchasers that the lots are located in the vicinity of a transport corridor and are currently affected by noise, dust, vibration and other factors related to the normal operation and maintenance of a main road, is supported.</p>	<p>appended to the officer's report.</p> <p>An additional provision 13.5 shall be added to section 13.0 <i>Visual Management and Buffers</i> with the following wording:</p> <p><i>"Council will request the WAPC to impose a condition at the time of subdivision requiring an acoustic assessment to be undertaken, in order to refine the generic 80m noise buffer illustrated on the subdivision guide plan."</i></p> <p>A further provision 14.2 shall be added to section 14.0 <i>Notification of Prospective Owners</i> with the following wording:</p>	<p>upgraded road network.</p> <p>Noted.</p> <p>Noted. The revised Subdivision Guide Plan responds to this matter and consultation with the Main Roads WA by providing for future upgrade of Millbrook Road is now made to assist implementation of an efficient transport network and associated links.</p> <p>Noted.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>Main Roads ensures that where problems will be exacerbated by development, particularly at intersections, that these be addressed by the developer as part of the development process. This is in line with the user pays policy now supported by the WAPC. Main Roads shall seek to impose the following conditions upon the proponent in the future subdivision approval process:</p> <ol style="list-style-type: none"> <li>1. Millbrook Road shall be realigned to form a new intersection with Chester Pass Road (South Coast Highway) at a location deemed suitable by Main Roads and the City of Albany. The new intersection shall form the only access point from Chester Pass Road to the proposed subdivision development and shall provide both a type 'C' right turn pocket and a type of 'B' left turn pocket as defined in Austroads Guide to Traffic Engineering Practice Part 5 Intersections at Grade and shall cater for a 100km/hr design speed (posted 90km/hr).</li> <li>2. The existing intersection of Millbrook Road with Chester Pass Road shall be modified to form a cul-de-sac at a</li> </ol>		<p><i>“Council may recommend that the WAPC impose a condition at subdivision stage requiring a Section 70A notification on the Certificates of Title of lots adjacent to Chester Pass Road to advise prospective purchasers that:</i></p> <ul style="list-style-type: none"> <li>• <i>The lots are located in the vicinity of a transport corridor and are currently affected by noise, dust, vibration and other factors related to the normal operation and maintenance of a main road.”</i></li> </ul>	<p>Matters now resolved through further meetings and/or negotiations with Main Roads WA and the City of Albany. A revised Subdivision Guide Plan has been prepared to address such matters.</p> <p>Noted. Millbrook Road intersection is not part of</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>	<b>Proponent Comment</b>
		<p>location deemed suitable by Main Roads and the City of Albany, at the expense of the applicant.</p> <p>3. Pursuant to section 150 of the Planning and Development Act 2005, a restrictive covenant is to be placed on the Certificate of Title of all lots adjoining Chester Pass Road (South Coast Highway) preventing motor vehicle access onto Chester Pass Road (South Coast Highway). This shall be recorded on the Deposited Plan.</p> <p>4. The proponent shall arrange for a noise study to demonstrate to the satisfaction of Main Roads that the subdivision planning and design for residential or other noise sensitive buildings is such that external levels of road traffic noise will not exceed Leq Day of 60db(A) or Leq Night of 55db(A), or to demonstrate</p>			<p>the land proposed for development. The proposed closure and cul-de-sac is a public matter requiring attention irrespective of the development and should not be the responsibility of the landholder.</p> <p>Noted and agree.</p> <p>Noted. An acoustic assessment report shall be prepared to further demonstrate that the subdivision design for residential or other noise sensitive buildings complies with the</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>that building design is such that internal levels of road traffic noise will comply with values listed in Australian Design Standard 2107 – Acoustics – Recommended design sound levels and reverberation times for building interiors.</p> <p>5. Pursuant to section 70A of the Transfer of Land Act 1983 (as amended), a notification is to be placed on the Certificates of Title of the proposed lots located adjacent to Chester Pass Road advising that the lots are located in the vicinity of a transport corridor and are currently affected by noise, dust, vibration and other factors related to the normal operation and maintenance of a main road. This shall be recorded on the Deposited Plan.</p>			<p>relevant acoustic standards as specified by Main Roads WA and the City of Albany. This assessment shall be completed at the subdivision stage.</p> <p>Noted and agree.</p>
10	K Frost Lot 112 & Lot 1529 Millbrook Road KING RIVER WA 6330	<p>I have lived in this district for 41 years and was absolutely horrified to see what is intended for that lovely farm, with all the specified breakdown into small acreages as per your attached plan.</p> <p>My property, together with Lot 50 and all around me were once part of a large farm</p>	<p>The points of objection are noted. However, the proposal is consistent with previous resolutions of Council and the strategic direction set out in the ALPS.</p>	<p>The submission is noted.</p>	<p>Noted.</p> <p>Noted.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>	<b>Proponent Comment</b>
		<p>that was subdivided over the years for 'rural living' only. In the past this changed to 'Special Rural' for some landowners including me, but this proposal is really devastating.</p> <p>When I first came here it was to get away from all the hustle and bustle of houses on top of one another and from the proposed plans it would be exactly that.</p> <p>Lot 34 opposite the King River Tavern and the caravan park is nearly always under water during the winter months and as for the lots closest to my boundary, there is no shelter belt on the fence line of my property and Lot 50, only on a section of the boundary between Lot 50 and Lot 4849.</p> <p>The additional traffic accessing Chester Pass Road and Millbrook Road from this subdivision will certainly lead to an increase in the number of accidents in this area, with Millbrook Road already being very busy and traffic travelling to and from Baker's Junction.</p>	<p>The Department of Water have commented on the proposal and noted that various measures are included that will ensure restoration of the creek line and its natural flow.</p> <p>The land capability report prepared by Opus International Consultants has identified the suitability for development and effluent disposal across large parts of Lot 50. Those areas that do not have sufficient land capability are identified as development or effluent disposal exclusion areas.</p> <p>Main Roads WA identified that the intersection between Chester Pass and Millbrook Roads is substandard and not suitable to carry the additional volume of traffic</p>		<p>Noted.</p> <p>Noted. LWMS addresses such concerns.</p> <p>Noted. It is understood following a meeting with the City of Albany and Main Roads WA that they are concerned over the safety of this intersection and the modified Subdivision Guide Plan provides an</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation	Proponent Comment
		<p>Huge dams have been created along the creek line running through Lot 50. It was always understood that property owners with creeks running into the King River were discouraged from stopping the water running as this would cause the King River to dry up. This is not the case on Lot 50. Neighbours have tried to have this reversed, but to no avail.</p> <p>With regard to the rural aspect, we will lose a picturesque property to housing and I would have thought that there was enough subdivision along both Willyung Road and Kingswood Road, to cater for the city dwellers to build and to leave this particular part of the countryside as is.</p>	<p>that would be generated by the proposed development. In consultation with Main Roads WA, a draft modified subdivision guide plan has been prepared, which incorporates a realignment of Millbrook Road to a new intersection with Chester Pass Road. The new intersection would offer better sightlines and there is sufficient road reserve width to accommodate slip lanes and a turning pocket.</p>		<p>alternative alignment to Millbrook Road and a safer intersection to Chester Pass Road to reduce accident risks at this location.</p> <p>Water quality issues have been adequately addressed through the LWMS.</p> <p>Visual Amenity has been adequately addressed through the Visual Landscape Evaluation.</p>
11	G A & H J Crane 1147 Chester Pass Road KING RIVER WA	As an adjoining landholder we are concerned about the effect this could have on our farming and extraction endeavours. Providing we can be guaranteed that we will	Although the adjoining landowner's situation is understood, the City cannot impose a requirement on	The submission is noted.  As per the proponent's comment, it is	Noted.



**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.4 REFERS

**AMENDMENT No. 299**

**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>	<b>Proponent Comment</b>
	6330	<p>not be restricted in any way we have no real objection to the proposal.</p> <p>We request when assessing the proposal for Lot 50 that you make some allowance for access to Lot 4849 (maybe around proposed lots 10-12), as this location adjoins Lot 50 but is landlocked with no direct access to any roads. It was our intention to build on this location in the future and sell our adjoining property, but with no legal access we are unable to do so. We cannot have access over Lot 3227 as access is already obtained by an easement over an adjoining property. We believe that while the proposal to rezone Lot 50 is being considered it would be an ideal opportunity to fix up the anomaly that exists regarding Lot 4849.</p>	<p>the proponent to provide an access to an adjoining lot, if they are not agreeable to it.</p> <p>The proponent's comment is noted.</p>	<p>recommended that the owners of Lot 4849 consolidate legal use of the existing access or arrange alternative legal access such as an easement (ROCW) through their own property.</p>	<p>Noted. It is recommended that the owners of Lot 4849 consolidate legal use of the existing access or arrange alternative legal access such as an easement (ROCW) through their own property before they sell it.</p>

**3.1: FEES AND CHARGES AMENDMENTS FOR THE ALBANY LEISURE AND AQUATIC CENTRE (ALAC)**

**Proponent** : City of Albany  
**Responsible Officer(s)** : Acting Executive Director Community Services  
(C Woods)

**IN BRIEF**

- Amendment to Albany Leisure and Aquatic Centre Fees and Charges.

**RECOMMENDATION****ITEM 3.1: RESOLUTION****VOTING REQUIREMENT: ABSOLUTE MAJORITY****MOVED: COUNCILLOR GREGSON****SECONDED: COUNCILLOR BOWLES****THAT:**

1. Council **APPROVES** the following proposed amendments to the 2012/2013 fees and charges and give local public notice to Special needs 1:1 swimming lesson currently \$27.50 amend to \$20.60 per lesson.
2. Council **APPROVES** the following proposed amendments to the 2012/2013 fees and charges and give local public notice to Special needs 1:1 swimming lesson Saturdays currently \$33.00 amend to \$24.75.
3. Council **NOTE** the error in the fees and charges schedule for charges of Club / Association Junior Match Fees which should be amended to \$55.00 per hour.

**CARRIED 9-3  
ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillors Stocks, Bostock and Sutton

**BACKGROUND**

1. Fees and Charges are set by Council as part of the budget setting process and may be amended from time to time.
2. These Fees and Charges can only be modified by a resolution of Council or under delegated authority by the Chief Executive Officer. The Chief Executive Officer does not have this delegated authority at this time.
3. Council approved the 2012-13 Budget at the Ordinary Council Meeting held 19 June 2012. This included Community Services Business Units Fees and Charges of which amendments are required for Albany Leisure and Aquatic Centre (ALAC).

**DISCUSSION**

4. ALAC fees and charges in their entirety were reviewed as part of the annual business planning process in March 2012. This review considered the annual estimated consumer price index, expense recovery and benchmarking against similar regional facilities.
5. As a result of the fees and charges review process, all of the ALAC Swim School fees and charges were identified as being well below accepted industry benchmarks.
6. The Special Needs private (1:1) swimming lessons were increased from \$11.00 per session Mondays to Fridays and \$14.00 on a Saturday, to be the same as the non special needs lesson fees of \$27.50 and \$33.00 respectively.
7. The fee increase was considered necessary as the current fees were set at an unsustainable 50% expense recovery and the Department of Education Swimming program was identified as the provider of the essential or minimum standard learn to swim programs for all West Australians including clients with special needs.
8. It was also considered inequitable to provide such a large subsidy for one section of the community whilst the facility was being heavily subsidised by rate payers.
9. Following the fee increase a small number of families have been seriously affected and a review of the fees and charges was considered the best short term solution to ease the burden on these families whilst longer term solutions such as grant funding are investigated.
10. A fee reduction of 25% on the full fee service is the amended recommendation for consideration.
11. The Junior Club game fees were \$30.00 per team in 2010/11 (the equivalent of \$60.00 per match). These fees were collected weekly by the ALAC staff.
12. The recommendation was for these fees to be reduced to \$55.00 per match and the association invoiced for these fees monthly in arrears. This had the effect of reducing the costs to participants of Junior Teams and reducing the administration costs of collecting and receipting the fees for ALAC.
13. The Clubs and Associations were advised of this \$55.00 per match, which represented a fee reduction of \$5.00 or 8.5%. The clubs were appreciative of the fee reduction and understood the new fee collection methodology.
14. When the fees and charges were prepared for Council, endorsement of the fee was incorrectly listed on the list of all fees and charges as \$48.00 per match, instead of \$55.00.
15. This amendment will correct this oversight.

**GOVERNMENT CONSULTATION**

16. Not applicable.

**PUBLIC CONSULTATION/ENGAGEMENT**

17. As a result of feedback from the community in relation to the increase in the special needs private tuition fees the revised fees (25% discount) have been developed to assist affected families. Feedback from affected persons to this proposed revised fee has been positive.

18. The proposed amendments to the junior match fees were previously developed with the major user groups and the \$55.00 represented a discount of approximately 8.5%. However the fees when endorsed by Council were misrepresented in the fees and charges schedule. The major user groups have been paying the correct fee of \$55.00 since the adoption of the 2012/13 fees and charges.
19. Local public notice will be given.
20. **STATUTORY IMPLICATIONS**
21. Section 6.19 of the *Local Government Act 1995* states that if a local wishes to impose any fees or charges after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:
- its intention to do so; and
  - the date from which it is proposed the fees or charges will be imposed.

### STRATEGIC IMPLICATIONS

22. The City of Albany Strategic Plan 2011-2021 notes the following:

<i>Organisational Performance</i>	<i>Proposed Strategy</i>	<i>Timeframe</i>
<b>KEY FOCUS AREA: Organisational Performance</b>		
<i>Policy and Procedures</i>	Council to decide and commit to what it will provide as a community service and what it will operate as a business unit.	Short (ongoing)

### POLICY IMPLICATIONS

19. Nil

### RISK IDENTIFICATION & MITIGATION

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Council do not endorse the amendment to fees and charges.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Endorse the amended fees to restore organisation reputation whilst also promoting a fair and equitable user pay philosophy.</i>

**FINANCIAL IMPLICATIONS**

24. Council has endorsed the 2012-2013 City of Albany Budget based on the endorsed fees and charges. If the case of the junior game fees which were incorrectly presented in the fees and charges are not amended to reflect the true value, the net effect to the Albany Leisure and Aquatic Centre is \$8000.00 per annum.
25. The 25% discount proposed for the Special Needs private tuition will represent an approximate reduction in revenue of \$1500.00

**LEGAL IMPLICATIONS**

26. Nil.

**ALTERNATE OPTIONS**

27. Council could choose to amend the fees and charges as part of the 2013/14 budget process rather than address the issue at this time. This will, however, further add to the discontent of those affected families enrolled in the special needs swimming program.

**SUMMARY CONCLUSION**

28. The proposed amended fees for special needs swimming have very minimal financial implications to the City but if adopted will restore consumer confidence and improve the reputation of the organisation within the community.
29. The proposed amended fee for junior match fees is simply a correction to a single item within the range of fees and charges at ALAC which was incorrectly stated in the budget. The user groups were communicated the correct fees and charges prior to the 2012/13 financial year and were appreciative of the discount of 8.5%.

<b>Previous Reference</b>	OCM 19/06/2012 Item 5.1
---------------------------	-------------------------

**3.2: EXTENDED TRADING HOURS WITHIN THE CITY OF ALBANY**

<b>Land Description</b>	:	Municipality of Albany
<b>Proponent</b>	:	Albany Chamber of Commerce and Industry
<b>Owner</b>	:	N/A
<b>Attachments</b>	:	Albany Chamber of Commerce and Industry Application (x2) dated 22 August 2012
<b>Appendices</b>	:	Nil
<b>Responsible Officer</b>	:	Acting Executive Director Community Services (Cameron Woods)

[7:45:20 PM](#) Mayor Wellington and Councillor Calleja left the Chamber after declaring a financial interest in this item.

Deputy Mayor Attwell took the Chair.

**IN BRIEF**

- Extended trading hours are requested for Christmas period for the year 2012.

ITEM 3.2: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the APPLICATION for extended trading hours on the nominated dates for the Christmas period for the year 2012 be APPROVED.

**ITEM 3.2: PROCEDURAL MOTION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR DUFTY**

**THAT this matter be laid on the table to allow further consideration by Council.**

**CARRIED 7-3**

**Record of Vote**

Against the Motion: Councillors Bostock, Holden and Hortin

**BACKGROUND**

1. In order to promote trade and to display Albany as a vibrant tourist destination, the Albany Chamber of Commerce and Industry Inc requests extended trading hours for general retail shops on the following days:

<b>Date</b>	<b>Time</b>
Sunday 2 December	9am to 6pm
Monday 3 December	8am to 9pm
Tuesday 4 December	8am to 9pm
Wednesday 5 December	8am to 9pm
Friday 7 December	8am to 9pm
Sunday 9 December	9am to 6pm
Monday 10 December	8am to 9pm
Tuesday 11 December	8am to 9pm
Wednesday 12 December	8am to 9pm
Friday 14 December	8am to 9pm

Sunday 16 December	9am to 6pm
Monday 17 December	8am to 9pm
Tuesday 18 December	8am to 9pm
Wednesday 19 December	8am to 9pm
Friday 21 December	8am to 9pm
Sunday 23 December	9am to 6pm
Monday 24 December	8am to 9pm
Wednesday 26 December – Boxing Day Public Holiday	9am to 6pm
Friday 28 December	8am to 9pm
Sunday 30 December	9am to 6pm
Tuesday 1 January – New Year’s Day Public Holiday	9am to 6pm

**DISCUSSION**

2. The application is for extended trading hours for Christmas period for the year 2012 as per above table.
3. This proposal would affect all retailers covered under the *Retail Trading Hours Act 1987* within the municipality of Albany.

4. It will not be compulsory for retailers to trade on this day.

#### **PUBLIC CONSULTATION**

5. The Albany Chamber of Commerce and Industry Inc is a representative of the affected segment of the population and is the proponent of this initiative.

#### **GOVERNMENT CONSULTATION**

6. If the motion is approved by a clear majority of Council, The City of Albany will then apply to the Department of Commerce (Consumer Protection) for a temporary/short term adjustment to local trading hours for the dates specified.

#### **STATUTORY IMPLICATIONS**

7. Non-metropolitan Local Government may apply to the Department of Commerce (Consumer Protection) to extend the trading hours for local general retail shops beyond those stipulated in the *Retail Trading Hours Act 1987*.

#### **STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany Strategic Plan 2011-2021.

##### ***Key Focus Area***

*Sustainability and Development*

##### ***Community Priority***

*Enhance central business district*

*A diversified industrial base*

*Tourism development*

##### ***Proposed Strategies***

*To develop a partnership with the Albany Chamber of Commerce Inc to identify opportunities to attract new business and services to the CBD to make it more vibrant and reduce the number of property vacancies.*

*Advocate and promote Albany as a viable centre for diverse industries*

*Encourage an increase in Albany's industry base to ensure employment for school leavers and university graduates.*

*Advocate for and encourage seven day a week trading, especially in the hospitality industry to better meet tourist's needs.*

#### **POLICY IMPLICATIONS**

9. N/A



**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Change to trading hours has the potential to create division amongst local community and small business groups.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>It will not be compulsory for local retailers to trade on these days.</i>
<i>By not adopting extended trading hours on the nominated dates the City's retailers will miss out on additional consumer expenditure opportunities and diminish Albany's overall attractiveness as a vibrant visitor destination.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>The Council can adopt extended retail trading on long weekends, public holidays and special event dates.</i>

**FINANCIAL IMPLICATIONS**

11. Retailers opening on these days may gain significant economic benefit as it is anticipated there will be a greater number of visitors in Albany over long weekends, public holidays and from cruise ships visits.

**LEGAL IMPLICATIONS**

12. Nil

**ALTERNATE OPTIONS**

13. Council can decline or modify the application.

**SUMMARY CONCLUSION**

14. There is a precedent for a temporary extension of this nature on long weekends, public holidays and cruise ship visits (when they have arrived in Albany on a Sunday).

15. The single application for the balance of days in 2012 for extended trading will simplify the approval process and provide confidence and sufficient time for retailers to undertake required advanced planning.

<b>Consulted References</b>	Council Policy – Extended Trading Hours Policy
<b>File Number</b>	Synergy Reference No: CM.STD.7/NP097724_2
<b>Previous Reference</b>	NIL

Mayor Wellington and Councillor Calleja did not participate in the discussion or vote for this item after declaring a financial interest.



Albany Chamber of Commerce & Industry Inc.

9 August 2012

Garry Adams  
Acting Chief Executive Officer  
City of Albany  
PO Box 484  
Albany WA 6330

Dear Garry

**RE: Extended Retail Trading for December 2012**

Pursuant to City of Albany extended retail trading policy, and in line with the precedent set over recent years, the Albany Chamber of Commerce & Industry wishes to apply for extended trading hours for General Retail Shops in Albany during the month of December 2012 in the lead up to Christmas and New Year.

The dates we wish to apply for are:

Sunday 2 December	9am – 6pm
Monday 3 December	8am – 9pm
Tuesday 4 December	8am – 9pm
Wednesday 5 December	8am – 9pm
Friday 7 December	8am – 9pm
Sunday 9 December	9am – 6pm
Monday 10 December	8am – 9pm
Tuesday 11 December	8am – 9pm
Wednesday 12 December	8am – 9pm
Friday 14 December	8am – 9pm
Sunday 16 December	9am – 6pm
Monday 17 December	8am – 9pm
Tuesday 18 December	8am – 9pm
Wednesday 19 December	8am – 9pm
Friday 21 December	8am – 9pm
Sunday 23 December	9am – 6pm
Monday 24 December	8am – 9pm
Wednesday 26 December	8am – 9pm
Friday 28 December	8am – 9pm
Sunday 30 December	9am – 6pm
Monday 1 January	8am – 6pm

We trust you will give full consideration to our application, and should you require further information, please contact the Chamber on 9845 7888.

Best regards,



**Graham Harvey**  
Chief Executive Officer

cc Matthew Bird

76 Collie Street, Albany WA 6330  
PO Box 5273, Albany WA 6332

**P** (08) 9845 7888  
**F** (08) 9845 7877

**E** [admin@albanycci.com.au](mailto:admin@albanycci.com.au)  
**W** [www.albanycci.com.au](http://www.albanycci.com.au)

**4.1: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2012**

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

[7:49:59 PM](#) Councillor Calleja returned to the Chamber.

**ITEM 4.1: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES**  
**SECONDED: COUNCILLOR HOLDEN**

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 20 August 2012 totalling \$5,060,747.94 be **RECEIVED.**

**CARRIED 11-0**

**BACKGROUND**

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 20 August 2012. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

**Municipal Fund**

Trust	Totalling	\$4,926.00
Cheques	Totalling	\$99,647.76
Electronic Fund Transfer	Totalling	\$3,877,074.33
Credit Cards	Totalling	\$873.52
Payroll	Totalling	\$1,078,226.33
	<b>TOTAL</b>	<b><u>\$5,060,747.94</u></b>

3. As at 20 August 2012, the total outstanding creditors, stands at **\$585,255.39** and made up follows:

Current	\$362,997.27
30 Days	\$222,054.54
60 Days	\$1,349.85
90 Days	-\$1,146.27
<b>TOTAL</b>	<b>\$585,255.39</b>

4. Cancelled cheques: 28186 and 28260 – paid by EFT. Cheque: 28257 – replaced with cheque number 28312.

**STATUTORY IMPLICATIONS**

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 20 August 2012 has been incurred in accordance with the 2012/2013 budget parameters.

**POLICY IMPLICATIONS**

9. The City's 2012/2013 Annual Budget provides a set of parameters that guides the City's financial practices.

**SUMMARY CONCLUSION**

10. That list of accounts have been authorised for payment under delegated authority.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
-----------------------------------	----------------------

AGENDA ITEM 4.1 REFERS

Chq	Date	Name	Description	Amount
				0.00
28246	19/07/2012	ELAINE M MARSDEN	REIMBURSEMENT FOR BLUE HOUSEHOLD BIN	77.27
28247	19/07/2012	CHRIS AND LINDA MOIR	CROSSOVER SUBSIDY 9 BANDICOOT DRIVE	211.65
28248	19/07/2012	NIKOLAI EMERY	CROSSOVER SUBSIDY 14 JEFFRIES STREET	152.66
28249	19/07/2012	MICHAEL FAZIO AND LOUISE JENNER	CROSSOVER SUBSIDY 11 NEPTUNE PASS	155.60
28250	19/07/2012	AUSTRALIAN DEFENCE APPAREL PTY LTD	UNIFORMS	34.96
28251	19/07/2012	B A & E G CAPELLI	VISITORS CENTRE MERCHANDIES	100.00
28252	19/07/2012	SUZANNE HALSALL	PEOPLES CHOICE AWARD CENTENNIAL ART PRIZE 2012	500.00
28253	19/07/2012	WATER CORPORATION	ANNUAL SERVICE ACCOUNT	40,899.35
28254	19/07/2012	TELSTRA CORPORATION LIMITED	TELEPHONE CHARGES	11,327.87
28255	19/07/2012	DAVID & CHRISTINE MCLEAN	REIMBURSEMENT FOR REPAIRS/RECONSTRUCTION OF FOOTPATH AT 108 MIDDLETON ROAD	902.00
28256	26/07/2012	WENDY GREEN	REFUND FOR ARTISTS WAY WORKSHOP SERIES 2 DUE TO CANCELLATION OF THE CLASS	400.00
28257	26/07/2012	MAGGELL AND JOHANNES BERNHARDT	CROSSOVER SUBSIDY FOR 26 ELIZABETH STREET	196.83
28258	26/07/2012	JEFFREY GREY	CROSSOVER SUBSIDY FOR 20 MEARES ROAD	152.66
28259	26/07/2012	MARK MEHRER	CROSSOVER SUBSIDY FOR 21 ELIZABETH STREET	196.83
28261	26/07/2012	B A & E G CAPELLI	MERCHANDISE ORDER - INVOICE - 54	135.00
28262	26/07/2012	DEPARTMENT OF TRANSPORT	VEHICLE REGISTRATION	284.90
28263	26/07/2012	EAGLE BOYS PIZZA	FMP CATERING SESSION 10 PIZZA	53.60
28264	26/07/2012	GIRL GUIDES GREAT SOUTHERN	KID SPORT VOUCHERS	362.00
28265	26/07/2012	PETTY CASH - ALBANY AQUATIC AND LEISURE CENTRE	UMPIRES FEES	2,000.00
28266	26/07/2012	LOCKEEZ LUNCHBAR	CATERING	671.00
28267	26/07/2012	LEONARD NEIL MCKENNA	MERCHANDISE ORDER - INVOICE - 43	134.40
28268	26/07/2012	PROCESS SYSTEMS SERVICES PTY LIMITED	ITROLLEY 15-AT AS PER QUOTE I15AT136	2,563.00
28269	26/07/2012	TELSTRA CORPORATION LIMITED	MOBILE PHONE & INTERNET CHARGES	6,275.27
28270	26/07/2012	WATER CORPORATION	ROAD/FOOTPATH REINSTTAMENT - HYDRANT WORKS	1,294.00
28271	27/07/2012	AMP FLEXIBLE LIFETIME SUPER PLAN	Superannuation contributions	790.95
28272	27/07/2012	AMP RSA	Superannuation contributions	335.36
28273	27/07/2012	AMP LIFE LIMITED	Superannuation contributions	415.38
28274	27/07/2012	BT SUPER FOR LIFE	Superannuation contributions	1,039.42
28275	27/07/2012	CARE SUPER PTY LTD	Superannuation contributions	166.71
28276	27/07/2012	HESTA SUPER FUND	Superannuation contributions	1,008.11
28277	27/07/2012	IOOF INVESTMENT MANAGEMENT LTD	Superannuation contributions	916.49
28278	27/07/2012	MEDIA SUPER	Superannuation contributions	361.64
28279	27/07/2012	MLC NOMINEES PTY LTD	Superannuation contributions	439.19
28280	27/07/2012	MLC NOMINEES PTY LIMITED	Superannuation contributions	905.66
28281	27/07/2012	NATIONAL MUTUAL RETIREMENT FUND	Superannuation contributions	578.40
28282	27/07/2012	IOOF GLOBAL ONE (EX SKANDIA GLOBAL)	Superannuation contributions	1,072.20
28283	27/07/2012	IOOF GLOBAL ONE (EX SKANDIA GLOBAL)	Superannuation contributions	345.81
28284	27/07/2012	SUNSUPER SUPERANNUATION	Superannuation contributions	561.01
28285	27/07/2012	SUPERWRAP PERSONAL SUPER PLAN	Superannuation contributions	719.62

AGENDA ITEM 4.1 REFERS

28286	27/07/2012	TOWER TRUST LIMITED	Superannuation contributions	324.51
28287	27/07/2012	UNI SUPER	Superannuation contributions	362.77
28288	02/08/2012	B J PANIZZA FAMILY TRUST	REFUND FOR GST PAID ON A GST FREE CLEARANCE FEE WAPC 141511 LOT 104 & 105 WILLYUNG ROAD	115.00
28289	02/08/2012	AUST INSTITUTE OF BUILDING SURVEYORS	TABS MAGAZINE SUBSCRIPTION JULY 2012 - JUNE 2013	60.00
28290	02/08/2012	BRIDGESTONE AUSTRALIA LTD	TYRE REPAIRS/PURCHASES	718.78
28291	02/08/2012	LANDGATE	FEES ASSOCIATED WITH WITHDRAWAL & LODGEMENT OF CAVEAT LOT 745 ON DP14755	320.00
28292	02/08/2012	JOHN KINNEAR AND ASSOCIATES	REFUND FOR CLEARANCE FEE ALREADY PAID BY DEVELOPER MR PANIZZA WAPC 141511 LOT 104 & 105 WILLYUNG ROAD	1,184.00
28293	02/08/2012	LOCKEEZ LUNCHBAR	COUNCIL CATERING	131.00
28294	02/08/2012	PETTY CASH - DEPOT	PETTY CASH REIMBURSEMENTS	266.65
28295	02/08/2012	RAC	RENEWAL BUSINESSWISE ASSIST 3 VEHICLES A55917/A60203/A60824	197.00
28296	02/08/2012	TOTALLY SPORTS AND SURF	SPORTS EQUIPMENT	75.70
28297	02/08/2012	VINIDEX PTY LTD	LENGTHS OF 300mm VINIDEX STORM-PRO DRAINAGE PIPE.	3,553.00
28299	06/08/2012	SHANTELL RAMSAY	REFUND SWIM LESSONS FOR HAYLEY RAMSAY - DR'S CERT SIGHTED	112.00
28301	09/08/2012	ALBANY RSL SUB BRANCH	ANZAC DAY SERVICE 2013	10,000.00
28302	09/08/2012	DEPARTMENT OF TRANSPORT	AMAZING ALBANY NUMBER PLATES 2821A	165.00
28303	09/08/2012	DEPARTMENT OF TRANSPORT	VEHICLE REGISTRATION	147.45
28304	09/08/2012	GIRL GUIDES GREAT SOUTHERN	KIDSPORT VOUCHER	301.00
28305	09/08/2012	JOHN KINNEAR AND ASSOCIATES	Preparation & Lodgement of Final Deposited Plan to in order for dealings" (including payment of all fees) for Lot 33 Rocky Crossing Road Warrenup"	2,125.00
28306	09/08/2012	LOCKEEZ LUNCHBAR	CATERING SUPPLIES	210.00
28307	09/08/2012	MUNDA BIDDI TRAIL FOUNDATION INC	VISITOR CENTRE MERCHANDISE	83.00
28308	09/08/2012	PETTY CASH - ALBANY REGIONAL DAY CARE CENTRE	PETTY CASH REIMBURSEMENTS	188.30
28309	09/08/2012	PETTY CASH - FORTS	PETTY CASH REIMBURSEMENT	150.40
28310	09/08/2012	WATER CORPORATION	WATER CONSUMPTION FROM 29/05/12 - 25/07/12	1,695.40
28311	09/08/2012	WATER CORPORATION	Replace Valve Box and raise to City of Albany's supplied levels (190mm Raise from existing)	550.00
28312	16/08/2012	MAGGEL AND JOHANNES BERNHARDT	CROSS OVER SUBSIDY FOR 26 ELIZABETH STREET (REPLACES CHEQUE NUMBER 28257)	196.83
28313	16/08/2012	NATHAN TYSOE	CROSSOVER SUBSIDY 15 SHEPHERD STREET	241.00
28314	16/08/2012	CARMENCITA NOTAR	CROSSOVER SUBSIDY FOR 86 ANGOVE ROAD	104.34
28315	16/08/2012	CHRISTINE LATHWELL	CROSSOVER SUBSIDY FOR 133 HARE STREET	167.38
28316	16/08/2012	CITY OF BUNBURY	X1 CONFERENCE FOR SENIOR RANGER ROB FORSTER EMEGERENCY MANAGEMENT CONFERENCE	242.00
28317	16/08/2012	LOCKEEZ LUNCHBAR	SUPPLY CATERING FOR 15 PERSONS	572.50
28318	16/08/2012	PETTY CASH - CITY OF ALBANY	PETTY CASH REIMBURSEMENT	328.25
28319	16/08/2012	TELSTRA CORPORATION LIMITED	TELEPHONE CHARGES	11,976.32
28320	16/08/2012	VODAFONE PTY LTD	SMS USAGE	49.00
28321	16/08/2012	WATER CORPORATION	WATER CONSUMPTION	85.30

**TOTAL**

**\$ 99,647.76**

## AGENDA ITEM 4.1 REFERS

EFT	Date	Name	Description	Amount
				0.00
EFT75730	17/07/2012	QSUPER LIMITED	Superannuation contributions	1,392.92
EFT75731	19/07/2012	SELEX SYSTEMS INTERGRATION INC	CCA ANTENNA FAULT SN: 43720 PLUS RETURN SHIPPING	900.00
EFT75732	19/07/2012	ABA SECURITY	AIRPORT UPGRADE	3,008.04
EFT75733	19/07/2012	AD CONTRACTORS PTY LTD	SIDE TIPPER HIRE CARTING LIMESTONE	3,619.00
EFT75734	19/07/2012	ADVERTISER PRINT	BUSINESS CARDS	220.00
EFT75735	19/07/2012	ALBANY SECURITY SUPPLIES	KEY CUTTING - PO 29395 AIRPORT	24.00
EFT75736	19/07/2012	ALBANY TOYOTA	VEHICLES/VEHICLE PARTS/REPAIRS	279.72
EFT75737	19/07/2012	ALBANY INDUSTRIAL SERVICES PTY LTD	SUPPLY EXCAVATOR TO RESHAPE DRAIN	2,048.75
EFT75738	19/07/2012	OPTEON (ALBANY AND GREAT SOUTHERN WA)	TELECOMUNICATIONS TOWER LAND LEASE MOUNT ADELAIDE VALUATION FEE	440.00
EFT75739	19/07/2012	ALBANY SOIL AND CONCRETE TESTING	Materials testing on Gravel samples as requested	654.50
EFT75740	19/07/2012	ALBANY V-BELT AND RUBBER	33616 - FILTERS/VEHICLE PARTS	806.89
EFT75741	19/07/2012	ALBANY STATIONERS	ART SUPPLIES	35.95
EFT75742	19/07/2012	ALBANY REFRIGERATION	REFRIGERATION & AIRCONDITIONING REPAIRS & MAINTENANCE	3,019.03
EFT75743	19/07/2012	ALBANY SURF LIFE SAVING CLUB	FMP Session 5 - 2 Hour Room Hire	60.00
EFT75744	19/07/2012	ALBANY LANDSCAPE SUPPLIES	CRUSHED LIME STONE	600.00
EFT75745	19/07/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY ITEMS	1,843.70
EFT75746	19/07/2012	ALBANY NEWS DELIVERY	NEWSPAPER DELIVERIES	430.61
EFT75747	19/07/2012	ALBANY OFFICE PRODUCTS - WORKS DEPOT	STATIONERY SUPPLIES	250.00
EFT75748	19/07/2012	ALBANY JUNIOR SOCCER ASSOCIATION	KIDSPORT	1,875.00
EFT75749	19/07/2012	ARDESS NURSERY	PLANT PURCHASES	99.00
EFT75750	19/07/2012	ARTCRAFT PTY LTD	GRAB RAILS AND ASSORTED SIGNAGE	7,213.36
EFT75751	19/07/2012	ATC WORK SMART	TEMPORARY STAFF	7,091.58
EFT75752	19/07/2012	AUDIOCOM ALBANY	TOUGH PHONE	480.00
EFT75753	19/07/2012	AUSTRALIAN AIR EXPRESS PTY LIMITED	FREIGHT CHARGES	148.61
EFT75754	19/07/2012	BARNESBY FORD	VEHICLES/VEHICLE PARTS/REPAIRS	542.13
EFT75755	19/07/2012	BATTERY WORLD	BOXES OF BATTERIES FOR EMERGENCY	210.00
EFT75756	19/07/2012	BENNETTS BATTERIES	200L drum of Dynatrans MPV oil.	1,562.00
EFT75757	19/07/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	HIRE OF TRAFFIC CONTROL	9,088.09
EFT75758	19/07/2012	BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES	121.00
EFT75759	19/07/2012	BEVANS (WA) PTY LTD	BAGS ICE - PO 33640	30.00
EFT75760	19/07/2012	ALBANY BITUMEN SPRAYING	ASPHALT CONTRACTING	11,352.00
EFT75761	19/07/2012	ALBANY BOBCAT SERVICES	SUPPLY BOBCAT AND TRUCK FOR DRIVEWAY WORKS	1,480.00
EFT75762	19/07/2012	BOOEASY AUSTRALIA PTY LTD	BOOEASY BOOKING RETURNS COMMISSION/MONTHLY FEES - JUNE 2012	2,151.50
EFT75763	19/07/2012	BORAL PLASTERBOARD	CEILING TILES - PO 31166	182.16
EFT75764	19/07/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	297.66
EFT75765	19/07/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE/TOOL SUPPLIES - PO 29392	148.94
EFT75766	19/07/2012	C&C MACHINERY CENTRE	NOZZLE FILTERS	34.85
EFT75767	19/07/2012	CAMTRANS ALBANY PTY LTD	FREIGHT	404.50
EFT75768	19/07/2012	CAMPBELL CONTRACTORS	REPLACE AND RESHAPE FOOTPATH, INSTALL SIDE ENTRY PIT AND CONNECTION PIPE	16,430.00
EFT75769	19/07/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	5,779.90
EFT75770	19/07/2012	CJD EQUIPMENT PTY LTD	VEHICLE REPAIRS	2,086.21

AGENDA ITEM 4.1 REFERS

EFT75771	19/07/2012	COLRAY EXHAUST AND TOWBAR	VEHICLE PARTS/MAINTENANCE - PO 33720	220.00
EFT75772	19/07/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	751.96
EFT75773	19/07/2012	ALBANY SIGNS	PRODUCE AND DELIVER 13 'TYPE D' INTERPRETIVE SIGNAGE	19,834.10
EFT75774	19/07/2012	COVS PARTS PTY LTD	VEHICLE PARTS	85.68
EFT75775	19/07/2012	HOLCIM (AUSTRALIA) PTY LTD	m3 OF 14 / 20 / 80 SLUMP CONCRETE	1,536.70
EFT75776	19/07/2012	AL CURNOW HYDRAULICS	33755 -VEHICLE PARTS/MAINTENANCE	256.15
EFT75777	19/07/2012	CYNERGIC COMMUNICATIONS	WEB SITE MAINTENANCE	493.90
EFT75778	19/07/2012	LANDGATE - PROPERTY & VALUATIONS	INTERIM VALUATIONS	2,350.01
EFT75779	19/07/2012	DEPARTMENT OF TRANSPORT	SEARCH FOR VEHICLE OWNERSHIP	18.00
EFT75780	19/07/2012	DICK SMITH ELECTRONICS	FLASH DRIVES	54.02
EFT75781	19/07/2012	JOHN DRUMMOND	REIMBURSEMENTS FOR COSTS ASSOCIATED WITH MAINTENANCE WORK	130.04
EFT75782	19/07/2012	ALBANY ENGINEERING COMPANY	Repair front quick hitch hooks on Cat loader.	966.90
EFT75783	19/07/2012	ESRI AUSTRALIA PTY LTD	ARCGIS MAINTENANCE	7,601.00
EFT75784	19/07/2012	EVERTRANS	VEHICLE REPAIRS	8,520.60
EFT75785	19/07/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	175.91
EFT75786	19/07/2012	CAROLYN FLETT LEADLIGHTS	VISITORS CENTRE MERCHANDISE	60.00
EFT75787	19/07/2012	FUELS WEST PETROLEUM	LITRES DIESEL FUEL	20,285.53
EFT75788	19/07/2012	GLASS SUPPLIERS	GLASS SUPPLIES FOR AIRPORT UPGRADE	16,593.13
EFT75789	19/07/2012	GRANDE FOOD SERVICE	CATERING SUPPLIES	185.94
EFT75790	19/07/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	5,874.22
EFT75791	19/07/2012	GREEN SKILLS INC	TEMPORARY STAFF	3,413.85
EFT75792	19/07/2012	GREAT SOUTHERN SAND AND LANDSCAPING SUPPLIES	M3 of limestone loaded and carted to Bakers Junction Landfill from City of Albany Lime pit	3,600.00
EFT75793	19/07/2012	GREAT SOUTHERN PACKAGING SUPPLIES	33300 - CLEANING GOODS	517.88
EFT75794	19/07/2012	GREENMAN TRADING COMPANY	ARBORIST REPORT	3,850.00
EFT75795	19/07/2012	GT BEARING AND ENGINEERING SUPPLIES	32492 - VEHICLE PARTS	744.50
EFT75796	19/07/2012	HANSON EXECUTIVE MANAGEMENT	MILESTONE 5 PAYMENT - ALBANY REGIONAL AIRPORT UPGRADE	12,309.00
EFT75797	19/07/2012	HELEN C PHOTOIMAGES & CARDS	VISITORS CENTRE MERCHANDISE	30.00
EFT75798	19/07/2012	HOWARD AND HEAVER ARCHITECTS	THIRD PARTY EXTERNAL REVIEW OF DRAFT LIVEABLE	2,250.60
EFT75799	19/07/2012	HUDSON SEWAGE SERVICES	AIRPORT MAINTENANCE	1,718.80
EFT75800	19/07/2012	ICKY FINKS WAREHOUSE SALES	Canvases 40cm x 30cm (10) & 40cm x 40cm (9)	126.94
EFT75801	19/07/2012	STATEWIDE RACKING & STORAGE SOLUTIONS	SUPPLY & INSTALL SHELF DIVIDERS	246.00
EFT75802	19/07/2012	CLIVE JOHNSON	14 COPIES OF AUSTRALIANS AWARDED BOOKS FOR FORTS	385.00
EFT75803	19/07/2012	JUST SEW EMBROIDERY	EMBROIDERY - LOGOS - PO 33641	11.00
EFT75804	19/07/2012	KANDOO WINDSCREENS	WINDSCREEN REPAIRS	290.00
EFT75805	19/07/2012	PAULA KEENAN	FITNESS MANAGEMENT CONSULTANT WEEKS COMMENCING 2/7/2012 & 9/7/2012	2,632.50
EFT75806	19/07/2012	KEY2DESIGN	IT DESIGN	816.75
EFT75807	19/07/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	2,464.39
EFT75808	19/07/2012	LA FREEGARD	HOURS OF VERGE PRUNNING WITH TRACTOR CUTTER BAR	6,922.00
EFT75809	19/07/2012	LEADING EDGE HIFI-ALBANY	AV DISTRIBUTION GYM FOXTEL INCLUDE ALL EQUIPMENT AND LABOUR.	8,149.00
EFT75810	19/07/2012	LEASE CHOICE	MONTHLY LEASING OF PHOTOCOPIER	970.20
EFT75811	19/07/2012	LIFETIME DISTRIBUTORS	LOCAL STOCKS	8.00
EFT75812	19/07/2012	LOWER KING LIQUOR & GENERAL STORE	CARTONS OF BEER	272.94
EFT75813	19/07/2012	M & A STEEL FABRICATION	CONSTRUCTION OF CANOPY OVER HANRAHAN WASTE FACILITY	51,700.00
EFT75814	19/07/2012	DR MERYL BROUGHTON	TWINRIX VACCINATIONS - REFER PO 60590	363.00



## AGENDA ITEM 4.1 REFERS

EFT75815	19/07/2012	AIRPORT SECURITY PTY LTD	AIRPORT SECURITY CARDS	660.00
EFT75816	19/07/2012	MISS MAUD SWEDISH HOTEL	1 NIGHT ACCOMODATION FOR SLWA EXCHANGE	218.50
EFT75817	19/07/2012	MODERN TEACHING AIDS PTY LTD	DAY CARE EQUIPMENT	120.89
EFT75818	19/07/2012	NEVILLES HARDWARE & BUILDING SUPPLIES	HARDWARE SUPPLIES	295.45
EFT75819	19/07/2012	OPUS INTERNATIONAL CONSULTANTS LTD	LOCAL WATER MANAGEMENT ASSESSMENT - PIPE SYSTEM MODELLING FOR CAMPBELL ROAD, COCKBURN ROAD & SUFFOLK STREET	33,022.00
EFT75820	19/07/2012	ORANA CINEMAS ALBANY	MOVIE PASSES	176.00
EFT75821	19/07/2012	PAULS PET FOODS	BAGS OF DRY DOG FOOD	57.00
EFT75822	19/07/2012	PETER GRAHAM AND COMPANY LTD	33742 - FILTERS	58.00
EFT75823	19/07/2012	PLASTICS PLUS	AIRPORT UPGRADE	228.80
EFT75824	19/07/2012	PRECISION LASER SYSTEMS	ONLY LASER LEICA RUGBY 320 S/GRADE COMPLETE WITH RECEIVER, TRIPOD & STAFF	4,143.00
EFT75825	19/07/2012	REECE PTY LTD	STORM WATER PIPE SUPPLIES	6,214.98
EFT75826	19/07/2012	ALBANY ALUMINIUM FABRICATION	Supply and fit of white powder coated picture rails ( 35mtrs)	2,275.00
EFT75827	19/07/2012	UNITED TOOLS ALBANY	HARDWARE/TOOL SUPPLIES	134.80
EFT75828	19/07/2012	SCOOP PUBLISHING PTY LTD	ADVERTISING	1,980.00
EFT75829	19/07/2012	SECUREPAY PTY LTD	WEB PAYMENTS SEAT ADVISOR PRICING	22.77
EFT75830	19/07/2012	KAITLYN SEYMOUR	ADMIN ASSISTANCE - VAC	149.76
EFT75831	19/07/2012	SHOP FOR SHOPS	33299 - ALAC SHOP SUPPLIES	167.27
EFT75832	19/07/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	3,817.88
EFT75833	19/07/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	480.44
EFT75834	19/07/2012	SOUTHERN TOOL & FASTENER CO	33611 - HARDWARE SUPPLIES	3.60
EFT75835	19/07/2012	SOUTHWAY DISTRIBUTORS PTY LTD	CATERING SUPPLIES	1,474.46
EFT75836	19/07/2012	SOUTHCOAST SECURITY SERVICE	BUSINESS BANKING SERVICES	653.40
EFT75837	19/07/2012	SPENCER PARK VARIETY MEATS	Steaks, Sausages & Onions as requested 70 Minute Steaks 100 Sausages 5kgs Onions	255.77
EFT75838	19/07/2012	SPEEDO AUSTRALIA PTY LTD	SPORTS SHOP MERCH	4,496.80
EFT75839	19/07/2012	GARY OWEN SPENCE	LAWN MOWING DAY CARE CENTRE	105.00
EFT75840	19/07/2012	STAR SALES AND SERVICE	HARDWARE/VEHICLE PARTS	20.40
EFT75841	19/07/2012	POSITION PARTNERS	Chartwell Survey Books	188.10
EFT75842	19/07/2012	STEWART AND HEATON CLOTHING PTY LTD	WORK WEAR	922.86
EFT75843	19/07/2012	STIRLING CONFECTIONERY PLUS	CONFECTIONERY SUPPLIES	1,572.78
EFT75844	19/07/2012	SYNERGY	NORTH RD ELECTRICITY CHARGES 10/6/2012 - 9/7/2012	6,031.05
EFT75845	19/07/2012	T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	3,032.62
EFT75846	19/07/2012	JO TAYLOR	REIMBURSEMENTS FOR NAIDOC EVENT	49.99
EFT75847	19/07/2012	TECTONICS CONSTRUCTION GROUP P/L	AIRPORT UPGRADE	21,488.50
EFT75848	19/07/2012	THE VEGIE SHOP	GROCERIES	152.07
EFT75849	19/07/2012	TOTAL EDEN	IRRIGATION SUPPLIES	1,798.26
EFT75850	19/07/2012	TRAILBLAZERS	SAFETY BOOTS	271.15
EFT75851	19/07/2012	TRUCKLINE	VEHICLE PARTS	638.70
EFT75852	19/07/2012	ALBANY TYREPOWER	TYRE PURCHASES/MAINTENANCE	4,767.10
EFT75853	19/07/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	COARSE SAND - PO 33612	222.90
EFT75854	19/07/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	402.60
EFT75855	19/07/2012	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING	5,523.49
EFT75856	19/07/2012	LANDMARK LIMITED	POSTS AND POST CAPS - PO 32491	350.24
EFT75857	19/07/2012	WESTERN WORK WEAR	SAFETY BOOTS	462.22

## AGENDA ITEM 4.1 REFERS

EFT75858	19/07/2012 WEST-OZ WEB SERVICES	COMPLETED BOOKINGS MARKETING FEE 1/6/2012 - 30/6/2012	48.00
EFT75859	19/07/2012 WILSON MACHINERY	VEHICLES/VEHICLE PARTS/REPAIRS - PO 33776	253.33
EFT75860	19/07/2012 ERIN ASLETT	REIMBURSEMENT OF UNI FEES - BACHELOR OF BUSINESS	2,184.00
EFT75861	19/07/2012 CAMERON WOODS	REIMBURSEMENT FOR WWC & POLICE CLEARANCE	107.00
EFT75862	19/07/2012 CRITERION HOTEL PERTH	ACCOMMODATION COSTS ANDY GREENWOD & DAVID KING	555.00
EFT75863	19/07/2012 DAVID NORMAN EVERETT	REFUND FOR OVERCHARGE ON BOAT PEN FEES	926.31
EFT75864	24/07/2012 DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	LAND AQUISITIONS 11229-11232	454.00
EFT75865	26/07/2012 ALBANY COMMUNITY HOSPICE	Payroll deductions	44.00
EFT75866	26/07/2012 AUSTRALIAN SERVICES UNION WA BRANCH	Payroll deductions	4,266.20
EFT75867	26/07/2012 CHILD SUPPORT AGENCY	Payroll deductions	587.44
EFT75868	26/07/2012 HBF OF WA	Payroll deductions	649.40
EFT75869	26/07/2012 ABA SECURITY	NEW SWING DOORS TO THE ENTRY OF THE VANCOUVER ARTS CENTRE / SECURITY	14,009.78
EFT75870	26/07/2012 AECOM AUSTRALIA PTY LTD	ALBANY AIRPORT MASTER PLAN AND SECURITY UPGRADE	64,681.11
EFT75871	26/07/2012 AGCRETE ALBANY	LINER/BASE & LID	453.75
EFT75872	26/07/2012 ALBANY ADVERTISER LTD	ADVERTISING	5,846.69
EFT75873	26/07/2012 ALBANY INDUSTRIAL SERVICES PTY LTD	PLANT HIRE TRUCK	712.25
EFT75874	26/07/2012 ALBANY PRINTERS	20 X DUPLICATE MANUAL RECIEPT /TAX BOOKS	495.00
EFT75875	26/07/2012 ALBANY SWEEP CLEAN	SWEEPING OF CARPARKS, PATHWAYS AND BOARDWALKS	5,314.50
EFT75876	26/07/2012 ALBANY INDOOR PLANT HIRE	MONTHLY INDOOR PLANT HIRE	980.31
EFT75877	26/07/2012 ALBANY CHAMBER OF COMMERCE & INDUSTRY	ALBANY CHAMBER OF COMMERCE AND INDUSTRY 2013 - CITY OF ALBANY	7,356.68
EFT75878	26/07/2012 ALBANY RETRAVISION	EPSON EB-915W WXGA PROJECTOR	1,348.00
EFT75879	26/07/2012 ALBANY REFRIGERATION	REFRIGERATION & AIRCONDITIONING REPAIRS & MAINTENANCE	137.50
EFT75880	26/07/2012 ALBANY SKIPS AND WASTE SERVICES	WASTE REMOVAL	305.00
EFT75881	26/07/2012 ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY SUPPLIES	952.45
EFT75882	26/07/2012 ALBANY NEWS DELIVERY	NEWSPAPER DELIVERIES	176.66
EFT75883	26/07/2012 ALBANY COMBINED CABS PTY LTD	YAC TAXI FARES	93.20
EFT75884	26/07/2012 ALBANY WALLCUTTING SERVICES	DRILLING SERVICES	573.76
EFT75885	26/07/2012 ALBANY AIRPORT SERVICES PTY LTD	ART CLASSES AT THE VAC	885.85
EFT75886	26/07/2012 ALL EVENTS PROSOUND HIRE	INSTALLATION OF TOWN HALL SCREEN AND PRE RIG	807.50
EFT75887	26/07/2012 AMITY PAINTING & DECORATING	PAINTING AT VISITORS CENTRE	440.00
EFT75888	26/07/2012 AMPAC DEBT RECOVERY (WA) PTY LTD	RATES COLLECTION COSTS	9,595.92
EFT75889	26/07/2012 PAPERBARK MERCHANTS (FORMERLY ANGUS AND ROBERTSON BOOK WORLD)	NEWSPAPERS/BOOKS/MAGAZINES/STATIONERY	913.09
EFT75890	26/07/2012 ANNABEL JANE ARNOLD	THE ARTISTS WAY CLASS FACILITATION 26/7/2012	247.50
EFT75891	26/07/2012 ART ON THE MOVE	COST SHARE FOR THE ART ON THE MOVE TOURING EXHIBITION 2/6 - 2/7/12	2,750.00
EFT75892	26/07/2012 ATC WORK SMART	TEMPORARY STAFF	9,032.61
EFT75893	26/07/2012 AUSTRALIAN CONSUMERS ASSOCIATION	CHOICE - MAY, JUNE & JULY	29.85
EFT75894	26/07/2012 AUSTRALIAN AIR EXPRESS PTY LIMITED	FREIGHT CHARGES	233.53
EFT75895	26/07/2012 BAREFOOT CLOTHING MANUFACTURERS	UNIFORMS	351.35
EFT75896	26/07/2012 BARRETT'S MINI EARTHMOVING & CHIPPING	CUT FALLEN TREE ROSEDALE ROAD	792.00
EFT75897	26/07/2012 SOPHIE BEECH	TRAINEE ACCOUNTANT FEES	2,675.00
EFT75898	26/07/2012 BENNETTS BATTERIES	200L drum of Rubia TIR 15w/40 engine oil.	910.80
EFT75899	26/07/2012 ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hours Hire of Traffic Control on 6, 7 & 8 June 2012	7,925.12
EFT75900	26/07/2012 BIBBULMUN TRACK FOUNDATION	MERCHANDISE ORDER - INVOICE - 2274	291.70

AGENDA ITEM 4.1 REFERS

EFT75901	26/07/2012	BLACKWOODS	WORK WEAR	36.26
EFT75902	26/07/2012	PHILIP BLACKWELL	FORTS MERCHANDISE	339.05
EFT75903	26/07/2012	BRANDNET PTY LTD T/AS MILITARY SHOP	SUPPLY OF MERCHANDISE ITEMS	1,442.45
EFT75904	26/07/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	410.37
EFT75905	26/07/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	Dulux exterior paint for painting of concrete liners.	148.11
EFT75906	26/07/2012	CAMLYN SPRINGS WATER DISTRIBUTORS	WATER CONTAINER REFILLS	132.00
EFT75907	26/07/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ALBANY AIRPORT - ELECTRICAL SERVICES	15,784.12
EFT75908	26/07/2012	CIVIL SURVEY SOLUTIONS	Stand alone licence Drains Unlimited - Includes ILSAX and Rational Method/Drains 12 months Software Subscription	5,830.00
EFT75909	26/07/2012	BIS CLEANAWAY LIMITED	CONTRACT RUBBISH REMOVAL	11,376.75
EFT75910	26/07/2012	COCA-COLA AMATIL PTY LTD	CATERING SUPPLIES	2,633.46
EFT75911	26/07/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	435.52
EFT75912	26/07/2012	SUSAN CORKE	REFUND FOR ARTISTS WAY WORKSHOP SERIES 2 - CLASS CANCELLED	400.00
EFT75913	26/07/2012	COURIER AUSTRALIA	FREIGHT CHARGES	2,560.98
EFT75914	26/07/2012	ALBANY SIGNS	SIGNAGE	121.00
EFT75915	26/07/2012	COVS PARTS PTY LTD	VEHICLE PARTS	164.93
EFT75916	26/07/2012	CRUMPS CANVAS	REPAIRS TO TONNEAU COVER - PO 33769	17.50
EFT75917	26/07/2012	DOWNER EDI WORKS PTY LTD	Tonnes COLDMIX	1,215.46
EFT75918	26/07/2012	AL CURNOW HYDRAULICS	33753 - VEHICLE PARTS/MAINTENANCE	674.91
EFT75919	26/07/2012	DEEP WOODS SURVEYS WESTERN AUSTRALIA PTY LTD	Archaeological & Aboriginal Monitoring of Works - Construction of Access Track to 17 Wheeldon Road.	7,045.00
EFT75920	26/07/2012	CGS QUALITY CLEANING	CLEANING CONTRACT	19,855.54
EFT75921	26/07/2012	DE LAGE LANDEN PTY LIMITED	MASTER LEASE AGREEMENT FOR IT	2,933.70
EFT75922	26/07/2012	LANDGATE - PROPERTY & VALUATIONS	LAND ENQUIRES	1,029.20
EFT75923	26/07/2012	REBECCA DICKSON	REFUND FOR ARTISTS WAY WORKSHOP SERIES 2 - CLASS CANCELLED	200.00
EFT75924	26/07/2012	ALBANY PROCRETE	REINSTATE CONCRETE DRIVEWAY AT 1 MCKENZIE STREET (CNR OF HARE STREET)	5,528.00
EFT75925	26/07/2012	EASIFLEET MANAGEMENT	MOTOR VEHICLE LEASE RENTAL	444.46
EFT75926	26/07/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	92.10
EFT75927	26/07/2012	FAT CATS CARWASH	WASH/VACUUM 5636A	44.00
EFT75928	26/07/2012	ALBANY FILTER CLEAN	4 X FILTERS CHANGED AND CLEANED	28.00
EFT75929	26/07/2012	GALLERY 500	FRAMING WATERCOLOURS	1,133.50
EFT75930	26/07/2012	GORDON WALMSLEY PTY LTD	Supply and lay tons of black asphalt on footpath at 605 Frenchman Bay Rd to divert water away from property	4,215.00
EFT75931	26/07/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	2,769.61
EFT75932	26/07/2012	SOUTHERN SHARPENING SERVICES (FORMERLY SOUTHERN BLADE WORKS)	BLADE SHARPENING	139.40
EFT75933	26/07/2012	GREAT SOUTHERN PERSONNEL	GARDENING SERVICES LOTTERIES HOUSE JUNE 2012	184.23
EFT75934	26/07/2012	GREAT SOUTHERN SAND AND LANDSCAPING SUPPLIES	Additional Roadworks - Living Stream	50,732.00
EFT75935	26/07/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING SUPPLIES	134.75
EFT75936	26/07/2012	GSM AUTO ELECTRICAL	33719 - VEHICLE PARTS	33.55
EFT75937	26/07/2012	GT BEARING AND ENGINEERING SUPPLIES	HARDWARE/REPAIRS	130.00
EFT75938	26/07/2012	GUARDIAN TACTILE SYSTEMS P/L	BRAIL SIGNS	4,300.00
EFT75939	26/07/2012	HARVEY NORMAN ELECTRICAL ALBANY	Digital Photo Frames	152.01

## AGENDA ITEM 4.1 REFERS

EFT75940	26/07/2012	HOWARD AND HEAVER ARCHITECTS	Albany Airport - Security Upgrade - Design Documentation and Management Airport Security Transportable - Preparing Airport emergency plan drawings for registration and approval - Other Consultants - C O'Keefe Construction	10,656.00
EFT75941	26/07/2012	ICKY FINKS WAREHOUSE SALES	Photo Frames A3 Black	187.65
EFT75942	26/07/2012	ANNETTE GRACE INNS	Rates refund for assessment A135863	262.18
EFT75943	26/07/2012	ISUBSCRIBE	12 MONTH SUBSCRIPTION TO 41 PERIODICALS	3,217.12
EFT75944	26/07/2012	JETBLACK MC	Airport Microsite	1,078.00
EFT75945	26/07/2012	JJ'S HIAB SERVICES	Pick up and delivery of the Middleton beach pontoon	264.00
EFT75946	26/07/2012	JUST SEW EMBROIDERY	LOGO EMBROIDERY - PO 33641	71.50
EFT75947	26/07/2012	KEN FREEGARD FILTER CLEANING	FILTER CLEANING	22.00
EFT75948	26/07/2012	KEY2DESIGN	IT UPGRADES	6,756.20
EFT75949	26/07/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	1,045.77
EFT75950	26/07/2012	DAVID MALCOLM KNOX	Rates refund for assessment A196128	8,000.00
EFT75951	26/07/2012	DAVID LEECH	MERCHANDISE ORDER - INVOICE - 43	115.00
EFT75952	26/07/2012	LGIS RISK MANAGEMENT	EEO GRIEVANCE OFFICER & CONTRACT OFFICER TRAINING PROJECT 11193	4,752.00
EFT75953	26/07/2012	STATE LIBRARY OF WA	LOST/DAMAGED BOOKS	122.10
EFT75954	26/07/2012	LORLAINE DISTRIBUTORS PTY LTD	CLEANING SUPPLIES	150.00
EFT75955	26/07/2012	MAGPIES MAGAZINE PTY LTD	1 YEARS SUBSCRIPTION TO MAGPIES	54.00
EFT75956	26/07/2012	ALBANY CITY MOTORS	New fuel tank to suit Isuzu Giga	3,014.12
EFT75957	26/07/2012	MARINDUST SALES & ACE FLAGPOLES	BEING FOR THREE NEW FLAG POLE HANDLES FOR NORTH RD ADMIN	37.40
EFT75958	26/07/2012	MCLEODS BARRISTERS & SOLICITORS	SAT REVIEW DR 116/2012: MINISTER FOR LOCAL GOVERNMENT V COA	1,396.24
EFT75959	26/07/2012	MT ROMANCE AUSTRALIA PTY LTD	GIFT PACKS	29.24
EFT75960	26/07/2012	LGIS INSURANCE BROKING	INSURANCES 30/6/12 - 30/6/13	135,106.58
EFT75961	26/07/2012	LGIS LIABILITY	INSURANCES WORKERS COMPENSATION 30/6/12 - 30/6/13	546,249.32
EFT75962	26/07/2012	BROADCAST AUSTRALIA	FACILITIES LEASING	137.50
EFT75963	26/07/2012	OKEEFE'S PAINTS	PAINT	72.32
EFT75964	26/07/2012	ORICA AUSTRALIA P/L	CHLORINE SUPPLIES	306.90
EFT75965	26/07/2012	PLASTICS PLUS	REPLACEMENT BIN	61.60
EFT75966	26/07/2012	RAYS SPORTS POWER	Prizes for awards	150.00
EFT75967	26/07/2012	ROYAL LIFE SAVING SOCIETY AUSTRALIA	FIRST AID TRAINERS REQUALIFICATION	150.00
EFT75968	26/07/2012	CHILD AUSTRALIA	EFFECTIVE COMMUNICATION WITH CHILDREN & STAFF WORKSHOP 25/7/12	75.00
EFT75969	26/07/2012	RV SPORT PTY LTD	YOUYI GAMES SPONSORSHIP AUST V CHINA 11/6/2012 ALBANY	8,800.00
EFT75970	26/07/2012	SALES EXCHANGE	CREDENZA	539.00
EFT75971	26/07/2012	ALBANY SCAFFOLD HIRE	Hire and installation of scaffolding for the veranda roof at the VAC	1,573.00
EFT75972	26/07/2012	SLICKER STICKERS/SCHOOL MERIT STICKERS	2012 National Year of Reading Love to Read" stickers"	105.60
EFT75973	26/07/2012	SEEK LIMITED	ADVERTISING JOB VACANCY BUILDING SURVEYOR LEVEL 2	247.50
EFT75974	26/07/2012	SERENITY PARK	DISPOSAL OF DOGS	270.00
EFT75975	26/07/2012	KAITLYN SEYMOUR	ADMIN ASSISITANCE VAC	161.04
EFT75976	26/07/2012	G & L SHEETMETAL	STEEL SUPPLIES	552.20
EFT75977	26/07/2012	SHEILAH RYAN	GARDENING AT THE VAC	390.00
EFT75978	26/07/2012	SHIRE OF ESPERANCE	LONG SERVICE LEAVE RECOUP - RICHARD HINDLEY	5,037.45
EFT75979	26/07/2012	SIGNS PLUS	NAME BADGES	52.80
EFT75980	26/07/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	365.26
EFT75981	26/07/2012	SKYWEST AIRLINES	Flights on Monday 6 August Perth to Albany	1,672.26
EFT75982	26/07/2012	SMITHS ALUMINIUM & 4WD CENTRE	VEHICLE REPAIRS	3,102.00

## AGENDA ITEM 4.1 REFERS

EFT75983	26/07/2012 SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	1,862.62
EFT75984	26/07/2012 SOUTHERN TOOL & FASTENER CO	33611 - HARDWARE SUPPLIES	217.75
EFT75985	26/07/2012 SOUTHWAY DISTRIBUTORS PTY LTD	CATERING SUPPLIES	1,713.08
EFT75986	26/07/2012 SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES	68.20
EFT75988	26/07/2012 SPOTLIGHT ALBANY PTY LTD	For curtains in the security room at the Albany airport	606.00
EFT75989	26/07/2012 DEPARTMENT OF PREMIER & CABINET	GAZETTAL OF TOWN PLANNING SCHEME NO. 1A, AMENDMENT NO. 176	273.60
EFT75990	26/07/2012 ALBANY VOLUNTEER STATE EMERGENCY SERVICE	ESL PAYMENT APRIL - JUNE 2012	10,000.00
EFT75992	26/07/2012 BLUESCOPE DISTRIBUTION PTY LTD	STEEL SUPPLIES	59.77
EFT75993	26/07/2012 STIRLING CONFECTIONERY PLUS	CATERING SUPPLIES	203.59
EFT75994	26/07/2012 ST JOHN AMBULANCE AUSTRALIA	Servicing of First Aid Kits	962.00
EFT75995	26/07/2012 SUBWAY	CATERING	300.00
EFT75996	26/07/2012 ALBANY LOCK SERVICE	LOCK SERVICES	10.00
EFT75997	26/07/2012 SUPER CHEAP AUTOS	VARIOUS RECOVERY EQUIPMENT FOR RANGER VEHICLES	253.15
EFT75998	26/07/2012 SYNERGY	STREET LIGHTING CHARGES 25/5/12 - 24/6/12 PLUS ADJUSTMENTS FOR 11/12	154,938.55
EFT75999	26/07/2012 T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	3,310.28
EFT76000	26/07/2012 T & C SUPPLIES (RANGERS)	HARDWARE SUPPLIES	446.85
EFT76001	26/07/2012 THE VEGIE SHOP	GROCERIES	155.97
EFT76002	26/07/2012 THINKWATER ALBANY	IRRIGATION SUPPLIES	57.02
EFT76003	26/07/2012 TOTAL EDEN	33614 - IRRIGATION SUPPLIES	2.66
EFT76004	26/07/2012 TOTAL GREEN RECYCLING	E WASTE RECYCLING	3,211.99
EFT76005	26/07/2012 TRAILBLAZERS	SAFETY BOOTS	124.80
EFT76006	26/07/2012 TRU-BLU GROUP PTY LTD	HIRE OF EXCAVATOR	1,311.75
EFT76007	26/07/2012 ALBANY TYREPOWER	VEHICLE PARTS/MAINTENANCE	2,609.50
EFT76008	26/07/2012 URBAN MODELLING SOLUTIONS	Albany CBD Traffic Modelling and Scenario Assessment Project Brief Assistance	3,300.00
EFT76009	26/07/2012 VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	PROCESSING OF GREENWASTE FOR JUNE 2012	18,335.69
EFT76010	26/07/2012 SARAH VALLENTINE	VAC ADMIN ASSISTANCE	217.24
EFT76011	26/07/2012 WRITING WA INC	MEMBERSHIP RENEWAL MAY 12 - MAY 13	135.00
EFT76012	26/07/2012 ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	814.88
EFT76013	26/07/2012 WELLSTEAD COMMUNITY RESOURCE CENTRE INC.	PRINTING	22.00
EFT76014	26/07/2012 WESTRAC EQUIPMENT PTY LTD	VEHICLE PARTS	196.21
EFT76015	26/07/2012 WESTERN WORK WEAR	WORK WEAR	372.60
EFT76016	26/07/2012 YAKKA PTY LTD	WORK WEAR	117.53
EFT76017	26/07/2012 YOUNGS SIDING GENERAL STORE	BUSH FIRE BRIGADE FUEL PURCHASES	789.32
EFT76018	26/07/2012 ZENITH LAUNDRY	LINEN HIRE	27.26
EFT76019	26/07/2012 SOUTH COAST DIVING SUPPLIES	MASK, BOOTS & GOGGLES - PO 31167	219.45
EFT76020	26/07/2012 SAI GLOBAL LTD	WORKS DOWNLOADS	1,873.04
EFT76021	27/07/2012 ABUNDANT SPERANNUATION FUND	Superannuation contributions	102.80
EFT76022	27/07/2012 AMP SUPERANNUATION LIMITED	Superannuation contributions	2,100.45
EFT76023	27/07/2012 AUSTRALIAN TAXATION OFFICE	Payroll deductions	296,066.29
EFT76024	27/07/2012 PRIME SUPER	Superannuation contributions	335.36
EFT76025	27/07/2012 AUSTRALIAN SUPER	Superannuation contributions	2,106.91
EFT76026	27/07/2012 AUSTRALIAN ETHICAL SUPERANNUATION FUND	Superannuation contributions	324.90
EFT76027	27/07/2012 BANSCOTT SUPER FUND	Superannuation contributions	670.18
EFT76028	27/07/2012 BT SUPER FOR LIFE	Superannuation contributions	533.49
EFT76029	27/07/2012 COLONIAL FIRST STATE ROLLOVER & SUPER FUND	Superannuation contributions	591.21

AGENDA ITEM 4.1 REFERS

EFT76030	27/07/2012	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	Superannuation contributions	969.42
EFT76031	27/07/2012	COLONIAL FIRST STATE WHOLESALE SUPER FUND	Superannuation contributions	180.93
EFT76032	27/07/2012	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	Superannuation contributions	912.12
EFT76033	27/07/2012	GENERATIONS PERSONAL SUPER FUND	Superannuation contributions	129.13
EFT76034	27/07/2012	GENERATIONS PERSONAL SUPER FUND	Payroll deductions	449.70
EFT76035	27/07/2012	GENERATIONS PERSONAL SUPER FUND	Superannuation contributions	71.74
EFT76036	27/07/2012	ING INTEGRA SUPER	Superannuation contributions	180.24
EFT76037	27/07/2012	ING ONE ANSWER PERSONAL SUPER	Superannuation contributions	655.62
EFT76038	27/07/2012	ING INTEGRA SUPER	Superannuation contributions	202.89
EFT76039	27/07/2012	OAK TREE SUPERANNUATION FUND	Superannuation contributions	59.01
EFT76040	27/07/2012	REST SUPERANNUATION	Superannuation contributions	4,872.73
EFT76041	27/07/2012	MARITIME SUPER	Superannuation contributions	158.16
EFT76042	27/07/2012	SPECTRUM SUPER	Superannuation contributions	447.87
EFT76043	27/07/2012	SUMMIT MASTER TRUST PERSONAL SUPERANNUATION PLAN	Superannuation contributions	83.77
EFT76044	27/07/2012	THE UNIVERSAL SUPER SCHEME	Superannuation contributions	656.28
EFT76045	27/07/2012	WA LOCAL GOVT SUPERANNUATION	Superannuation contributions	123,372.65
EFT76046	27/07/2012	WAYNE JOHN STEAD PTY LTD SUPERANNUATION FUND	Payroll deductions	2,391.55
EFT76047	27/07/2012	WESTSCHEME	Superannuation contributions	3,126.44
EFT76048	27/07/2012	QSUPER LIMITED	Superannuation contributions	1,872.42
EFT76049	03/08/2012	ALINTA	GAS USGAE CHARGES ALAC 14/6/2012 - 13/7/2012	33,042.30
EFT76050	03/08/2012	SYNERGY	ELECTRICITY SUPPLIES LOT 7353 AUSTIN RD GOODE BEACH 25/5/12 - 24/7/12	23.85
EFT76051	03/08/2012	ABA SECURITY	SECURITY SERVICES	846.27
EFT76052	03/08/2012	AD CONTRACTORS PTY LTD	SUPPLY AND INSTALL DRAINAGE BETWEEN BRUNSWICK RD AND CBH	20,744.00
EFT76053	03/08/2012	ADVERTISER PRINT	ENVELOPES & MEETING PADS	2,442.00
EFT76054	03/08/2012	AERODROME MANAGEMENT SERVICES PTY LTD	VISIT FOR PAVEMENT ASSESSMENT AND REPORTING INCLUDING FLIGHTS	2,420.00
EFT76055	03/08/2012	ALBANY SECURITY SUPPLIES	New lock for storage shed	70.00
EFT76056	03/08/2012	OPTEON (ALBANY AND GREAT SOUTHERN WA)	VALUATION FEES	550.00
EFT76057	03/08/2012	ALBANY STATIONERS	STATIONERY SUPPLIES	46.90
EFT76058	03/08/2012	ALBANY REFRIGERATION	Being for the AC8-engage two stages,AC9- de-iced and re- gas at the North Rd admin	1,001.00
EFT76059	03/08/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONARY SUPPLIES	702.60
EFT76060	03/08/2012	ALBANY NEWS DELIVERY	NEWSPAPER DELIVERIES	44.40
EFT76061	03/08/2012	ALLAMBIE PARK CEMETERY AND CREMATORIUM	CEMETERY CAPITAL WORKS FINANCIAL YEAR 12/13 ALLOCATION	55,880.00
EFT76062	03/08/2012	ARTCRAFT PTY LTD	HAZCHEM SIGN (FLAMMABLE LIQUIDS) CLASS 3 250 x 250	3,930.85
EFT76063	03/08/2012	ATC WORK SMART	TEMPORARY STAFF	8,011.47
EFT76065	03/08/2012	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	RATES COLLECTION COSTS	856.90
EFT76066	03/08/2012	BENNETTS BATTERIES	BATTERY SUPPLIES	132.00
EFT76067	03/08/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hours Hire of Traffic Count on 22 June 2012	4,105.00
EFT76068	03/08/2012	BERTOLA HIRE SERVICES ALBANY PTY LTD	HIRE OF POST HOLE DIGGER	217.80
EFT76069	03/08/2012	BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES	1,198.87
EFT76070	03/08/2012	BP BIRD PLUMBING & GAS	OIL SEPARATOR PUMP SERVICING/REPAIRS	154.00
EFT76071	03/08/2012	ALBANY BITUMEN SPRAYING	Lift and relay paving at 34 Wylie Cres	660.00
EFT76072	03/08/2012	BLACKWOODS	WORKWEAR	687.46
EFT76073	03/08/2012	ALBANY BOBCAT SERVICES	The hire of Bobcat on the dates 3/07/2012 -4/07/2012 -5/07/2012 for work carried out at Mills Park	2,560.00

## AGENDA ITEM 4.1 REFERS

EFT76074	03/08/2012	BRANDNET PTY LTD T/AS MILITARY SHOP	SUPPLY OF MERCHANDISE ITEMS	72.00
EFT76075	03/08/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE SUPPLIES	2,870.19
EFT76076	03/08/2012	CALDWELL LAND SURVEYS PTY LTD	Peg out PRYC southern boundary (from Chipana Dve to the water)	572.00
EFT76077	03/08/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	1,510.19
EFT76078	03/08/2012	CHAMELEON TECHNOLOGY	POWER BUDGET ANNUAL LICENSE RENEWAL 1/7/2012 - 30/6/2012	6,946.50
EFT76079	03/08/2012	CITY OF GREATER GERALDTON	MEMBERSHIP REGIONAL CAPITALS AUSTRALIA ADJUSTMENT INVOICE	40.17
EFT76080	03/08/2012	CJD EQUIPMENT PTY LTD	33762 - VEHICLE PARTS	42.15
EFT76081	03/08/2012	CLAIRS KEELEY	RELEASE OF DUPLICATE C/T LOT 4457 HOMESTEAD ROAD (4/366A)	220.00
EFT76082	03/08/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	7.85
EFT76083	03/08/2012	COUNTRY ARTS WA	COUNTRY ARTS WA MEMBERSHIP - REGIONAL COMMUNITY ORGANISATION CATEGORY	77.00
EFT76084	03/08/2012	ALBANY SIGNS	SIGNAGE - LOTTERIES HOUSE PARKING	198.00
EFT76085	03/08/2012	COVS PARTS PTY LTD	VEHICLE PARTS - PO 33196	268.40
EFT76086	03/08/2012	HOLCIM (AUSTRALIA) PTY LTD	Cubic metres of 25/14/60 slump with half additive	2,240.70
EFT76087	03/08/2012	AL CURNOW HYDRAULICS	VEHICLE PARTS/MAINTENANCE	370.39
EFT76088	03/08/2012	SIMON EDWARDS	AIR BP CALLOUTS	28.67
EFT76089	03/08/2012	EYERITE SIGNS	SIGNWRITING/SIGN PURCHASES	97.90
EFT76090	03/08/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	59.26
EFT76091	03/08/2012	FUELS WEST PETROLEUM	LITRES DIESEL FUEL	10,393.32
EFT76092	03/08/2012	LUSH GARDEN GALLERY	NURSERY SUPPLIES	45.00
EFT76093	03/08/2012	GRANDE FOOD SERVICE	CATERING SUPPLIES	384.66
EFT76094	03/08/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	7,895.77
EFT76095	03/08/2012	GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	BASIC EXCEL TRAINING COURSE 11 & 12 SEPTEMBER 2012	2,970.00
EFT76096	03/08/2012	GREAT SOUTHERN PACKAGING SUPPLIES	SECURITY SERVICES	883.63
EFT76097	03/08/2012	GREENACRES TURF GROUP	130 m2 Turf	911.50
EFT76098	03/08/2012	PROTECTOR FIRE SERVICES PTY LTD	FIRE EQUIPMENT MAINTENANCE	95.15
EFT76099	03/08/2012	HART SPORT	SPORT EQUIPMENT	125.50
EFT76100	03/08/2012	LINDA HILL	LUNCH FOR VISITING CEO OF JOONDALUP - G HUNT	147.10
EFT76101	03/08/2012	ICKY FINKS WAREHOUSE SALES	Canvases	110.02
EFT76102	03/08/2012	IMAGE ON LINE PTY LTD	ALAC JINGLE PACK DEPOSIT	715.00
EFT76103	03/08/2012	STATEWIDE RACKING & STORAGE SOLUTIONS	ADDITIONAL SIGN RACKING	223.00
EFT76104	03/08/2012	IPWEA NATIONAL	1 x International Infrastructure Management Manual 2011 edition	418.00
EFT76105	03/08/2012	JOHN ALEXANDER JAMIESON	Survey work	3,426.00
EFT76106	03/08/2012	FAILEEN DEARN JAMES	REIMBURSEMENTS FOR EXPENSES FOR PROFESSIONAL DEVELOPMENT & ACCOMODATION EXPENSES	3,487.00
EFT76107	03/08/2012	JJ'S HIAB SERVICES	Pick up and deliver 4 X 300 concrete pipes to the corner of Hassell and Lower Denmark Roads.	132.00
EFT76108	03/08/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	1,149.36
EFT76109	03/08/2012	LANDCORP	ALBANY ENTERTAINMENT CENTRE WATERFRONT CONTRACTUAL PAYMENT - SECOND INSTALMENT	550,000.00
EFT76110	03/08/2012	STATE LIBRARY OF WA	LOST/DAMAGED BOOKS	147.40
EFT76111	03/08/2012	LIFETIME DISTRIBUTORS	LOCAL STOCKS	36.00
EFT76112	03/08/2012	MASTER BUILDERS ASSOCIATION OF WESTERN AUSTRALIA	MEMBERSHIP SUBSCRIPTION 2012/2012	554.00
EFT76113	03/08/2012	DR MERYL BROUGHTON	TWINRIX VACCINATIONS X 9	217.80
EFT76114	03/08/2012	METROOF ALBANY	ROOFING SUPPLIES	58.56

## AGENDA ITEM 4.1 REFERS

EFT76115	03/08/2012	MIDALIA STEEL PTY LTD	STEEL SUPPLIES	259.51
EFT76116	03/08/2012	MT BARKER COMMUNICATIONS	Investigate Transmission Tower for Torbay District.	242.00
EFT76117	03/08/2012	LGIS WORKCARE	INSURANCE ADJUSTMENTS WORKERS COMPENSATION	30,980.40
EFT76118	03/08/2012	PN & ER NEWMAN QUALITY CONCRETE PRODUCTS	Concrete manhole lid 1200mm x 1200mm W/ insert	264.00
EFT76119	03/08/2012	OPUS INTERNATIONAL CONSULTANTS LTD	PROFESSIONAL SERVICES LOWER DENMARK ROAD ELLEKER	5,599.00
EFT76120	03/08/2012	OTIS ELEVATOR COMPANY P/L	LIFT MAINTENANCE TOWN HALL - FAULT REPORT 5/6/2012	726.00
EFT76121	03/08/2012	PAUL ARMSTRONG PANELBEATERS	VEHICLE REPAIRS	1,222.54
EFT76122	03/08/2012	PETER GRAHAM AND COMPANY LTD	20 KG MACRO-COAT GREY	127.95
EFT76123	03/08/2012	PLASTICS PLUS	1 X NALLY FISH TUB	52.80
EFT76124	03/08/2012	KERRY QUINLAN	SENIOR FIRST AID REQUALIFICATION	80.00
EFT76125	03/08/2012	RAECO INTERNATIONAL PTY LTD	37538 Single fold original 380 * 25 - LIBRARY	381.94
EFT76126	03/08/2012	RECHARGE-IT	BLACK TONER CARTRIDGE	69.00
EFT76127	03/08/2012	REDMOND SAWMILL	Being for the supply of 4/ 225x130 jarrah posts for the emu point marina	352.00
EFT76128	03/08/2012	REECE PTY LTD	STORMWATER SUPPLIES	181.71
EFT76129	03/08/2012	REGIONAL TRAINING SERVICES	TEMPORARY STAFF	2,158.55
EFT76130	03/08/2012	REPLICA MEDALS	SUPPLY OF MERCHANDISE ITEMS	1,531.75
EFT76131	03/08/2012	ROYAL LIFE SAVING SOCIETY AUSTRALIA	SWIM CERTIFICATES TRAINING	960.00
EFT76132	03/08/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	1,164.83
EFT76133	03/08/2012	SMITHS ALUMINIUM & 4WD CENTRE	LENGTHS ROUND TUBING	127.68
EFT76134	03/08/2012	BILLIE-JO SMITH	REIMBURSEMENTS FOR MEETING WITH AMPAC DEBT RECOVERY	65.36
EFT76135	03/08/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	303.80
EFT76136	03/08/2012	SOUTHWAY DISTRIBUTORS PTY LTD	CATERING SUPPLIES	1,619.80
EFT76137	03/08/2012	SPORTSWORLD OF WA	SPORTS STORE PURCHASES	4,863.10
EFT76138	03/08/2012	BLUESCOPE DISTRIBUTION PTY LTD	RHS SUPPLIES	73.22
EFT76139	03/08/2012	STIRLING CONFECTIONERY PLUS	CATERING SUPPLIES	823.28
EFT76140	03/08/2012	ST JOHN AMBULANCE AUSTRALIA	Course Registration Fees for Staff to attend Basic Workplace First Aid on 9 August 2012 - ANDREW GREENWOOD	1,560.00
EFT76141	03/08/2012	SYNERGY	ELECTRICITY CHARGES 52 BARKER RD 19/6/2012 - 16/7/2012	26,263.50
EFT76142	03/08/2012	T4 TECHNOLOGY	iPad3 64GB, 3G Black/Invisible shield	954.00
EFT76143	03/08/2012	T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	762.37
EFT76144	03/08/2012	RYAN LUKE TAYLOR	PROJECT OFFICER SERVICES 4/7/2012 - 2/8/2012	8,983.34
EFT76145	03/08/2012	TECTONICS CONSTRUCTION GROUP P/L	CONSTRUCTION SERVICES	880.00
EFT76146	03/08/2012	TESTO PTY LTD	HEALTH DEPT SUPPLIES	727.76
EFT76147	03/08/2012	DAVID THEODORE	REIMBURSEMENTS FOR BOOKS FOR FORTS	101.91
EFT76148	03/08/2012	TOTAL GREEN RECYCLING	E WASTE RECYCLING	2,654.95
EFT76149	03/08/2012	TRAILBLAZERS	WORK BOOTS	156.40
EFT76150	03/08/2012	TRUCKLINE	33760 - VEHICLE PARTS	75.56
EFT76151	03/08/2012	ALBANY TYREPOWER	TYRE PURCHASES/MAINTENANCE - PO 33772	377.60
EFT76152	03/08/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	33628 - GREEN WASTE SERVICES	101.00
EFT76154	03/08/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	831.82
EFT76155	03/08/2012	LANDMARK LIMITED	Skid mounted fire-fighter unit 1000 litre	3,580.50
EFT76156	03/08/2012	WESTERN WORK WEAR	Wet Weather Clothing	114.74
EFT76157	03/08/2012	WOOD AND GRIEVE ENGINEERS	WILLYUNG ROAD DESIGN	7,700.00
EFT76158	03/08/2012	WREN OIL	WASTE OIL DISPOSAL	538.45
EFT76159	03/08/2012	ZENITH LAUNDRY	LINEN/LAUNDRY SERVICES	25.07



## AGENDA ITEM 4.1 REFERS

EFT76160	09/08/2012	ABA SECURITY	SECURITY SERVICES	737.58
EFT76161	09/08/2012	ACTIV FOUNDATION INC.	INDUSTRIAL BROOM HEADS - PO 33747	900.00
EFT76162	09/08/2012	AEC SYSTEMS PTY LTD	REGISTRATION FEES FOR AUSTIN ROGERSON, AARRON ATTWELL AND GERARD ATTWELL FOR AUTOCAD COMPREHENSIVE INTRODUCTION 13-15 AUGUST 2012	5,500.00
EFT76163	09/08/2012	EDENBORN PTY LTD	Contract mowing of verges for July 2012	4,534.10
EFT76164	09/08/2012	ALBANY BRAKE AND CLUTCH	Repairs to trailer brakes as required on A36390	1,781.00
EFT76165	09/08/2012	ALBANY INDUSTRIAL SERVICES PTY LTD	Hours Hire of Semi Tipper	3,069.00
EFT76166	09/08/2012	ALBANY V-BELT AND RUBBER	FILTERS/VEHICLE PARTS	806.86
EFT76167	09/08/2012	ALBANY REFRIGERATION	Investigate Community Radio's temperature	464.75
EFT76168	09/08/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONARY SUPPLIES	409.45
EFT76169	09/08/2012	ALBANY WHALE TOURS	VISITOR CENTRE MERCHANDISE	172.00
EFT76170	09/08/2012	ALBANY PSYCHOLOGICAL SERVICES	CONSULTATION 17/7/2012	187.00
EFT76171	09/08/2012	ALBANY WALLCUTTING SERVICES	Core drill through limestone blocks to create drainage line	237.60
EFT76172	09/08/2012	ALBANY MILK DISTRIBUTORS	MILK DELIVERIES	932.25
EFT76173	09/08/2012	ALBANY LEGAL PTY LTD	PROFESSIONAL FEES - LOT 117 MOUNTAIN RD BORNHOLM	736.62
EFT76174	09/08/2012	ALBANY JUNIOR SOCCER ASSOCIATION	KIDSPORT REGISTRATIONS	150.00
EFT76175	09/08/2012	ALINTA	GAS USAGE CHARGES 1 PARKER ST LOCKYER 1/5/2012 - 27/7/12	25.30
EFT76176	09/08/2012	AMITY PAINTING & DECORATING	PAINTING OF CEILING AT NORTH ROAD	440.00
EFT76177	09/08/2012	AMPAC DEBT RECOVERY (WA) PTY LTD	RATES DEBT COLLECTION FEES	1,089.94
EFT76178	09/08/2012	ANDREW HALSALL PHOTOGRAPHY	VISITOR CENTRE MERCHANDISE	300.00
EFT76179	09/08/2012	THE APEX CLUB OF ALBANY (INC)	SUPPLY OF 10 APEX DRIVE BOOKS	119.50
EFT76180	09/08/2012	ANNABEL JANE ARNOLD	PAYMENT FOR GROUP FACILITATION 09/08/2012	247.50
EFT76181	09/08/2012	ARTCRAFT PTY LTD	ASSORTED SIGNAGE	33,098.36
EFT76182	09/08/2012	ATC WORK SMART	TEMPORARY STAFF	7,373.79
EFT76183	09/08/2012	AUDIOCOM ALBANY	iPad Lifeproof cover (Ian's iPhone)	80.00
EFT76184	09/08/2012	AUSTRALIA POST	POSTAGE/AGENCY FEES	4,338.06
EFT76185	09/08/2012	AUSTRALIAN AIR EXPRESS PTY LIMITED	FREIGHT COSTS	50.10
EFT76186	09/08/2012	BAREFOOT CLOTHING MANUFACTURERS	UNIFORMS	1,741.95
EFT76187	09/08/2012	BATTERY WORLD	BATTERY PURCHASES	600.00
EFT76188	09/08/2012	BENNETTS BATTERIES	BATTERY PURCHASES	283.36
EFT76189	09/08/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	HIRE OF TRAFFIC CONTROL	8,716.63
EFT76190	09/08/2012	BLACKWOODS	SAFETY SUPPLIES	439.92
EFT76191	09/08/2012	ALBANY BOBCAT SERVICES	Hire of bobcat	160.00
EFT76192	09/08/2012	BOC GASES AUSTRALIA LIMITED	CONTAINER SERVICE RENTAL	166.65
EFT76193	09/08/2012	AIR BP	AVGAS PURCHASES	894.77
EFT76194	09/08/2012	BRANDNET PTY LTD T/AS MILITARY SHOP	SUPPLY OF MERCHANDISE ITEMS AS PER SALES ORDER 41046	96.00
EFT76195	09/08/2012	BUILDING AND CONSTRUCTION IND TRAINING FUND	CTF LEVY COLLECTED FOR JULY 2012	14,922.78
EFT76196	09/08/2012	BUILDING COMMISSION	BSL LEVY COLLECTED FOR JULY 2012	7,552.00
EFT76197	09/08/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	CHECKER PLATE TOOL BOX CPB40	573.17
EFT76198	09/08/2012	MARK BYRNES	LEGAL COSTS FOR WORK COMPLETED TO 7/8/2012	450.00
EFT76199	09/08/2012	CABCHARGE AUSTRALIA LIMITED	TAXI FARES	330.83
EFT76200	09/08/2012	CAMTRANS ALBANY PTY LTD	FREIGHT	352.00
EFT76201	09/08/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	4,986.93
EFT76202	09/08/2012	CITY OF JOONDALUP	REIMBURSEMEMNTS ACCOMMODATION & MEALS - GARRY HUNT 26 & 27 JULY 12	288.50

## AGENDA ITEM 4.1 REFERS

EFT76203	09/08/2012	CLAYTON UTZ	PROFESSIONAL SERVICES	8,828.05
EFT76204	09/08/2012	BIS CLEANAWAY LIMITED	RUBBISH REMOVAL CONTRACT	514.25
EFT76205	09/08/2012	COCA-COLA AMATIL PTY LTD	CATERING SUPPLIES	503.93
EFT76206	09/08/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	845.64
EFT76207	09/08/2012	COVS PARTS PTY LTD	TITAN OIL 205L	2,201.45
EFT76208	09/08/2012	HOLCIM (AUSTRALIA) PTY LTD	ROAD BASE	258.72
EFT76209	09/08/2012	BRONWYN CUTLER	EAP COUNSELLING	154.00
EFT76210	09/08/2012	LANDGATE - PROPERTY & VALUATIONS	RURAL UV GEN VALUATIONS	20,720.20
EFT76211	09/08/2012	G & M DETERGENTS & HYGIENE SERVICES ALBANY	HYGIENE CONTRACT	1,492.81
EFT76212	09/08/2012	EASIFLEET MANAGEMENT	MOTOR VEHICLE LEASE RENTAL	444.46
EFT76213	09/08/2012	EMMA MEGAN EVANS	PROFESSIONAL SERVICES JULY 2012	3,250.00
EFT76214	09/08/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	100.22
EFT76215	09/08/2012	ALBANY FILTER CLEAN	FILTERS CHANGED AND CLEANED	28.00
EFT76216	09/08/2012	ALBANY FOOTBALL AND SPORTING CLUB	KID SPORT APPLICATION	150.00
EFT76217	09/08/2012	FRANEY & THOMPSON	TIMBER SUPPLIES	316.80
EFT76218	09/08/2012	FREMANTLE ARTS CENTRE PRESS	VISITOR CENTRE MERCHANDISE	526.92
EFT76219	09/08/2012	FUELS WEST PETROLEUM	LITRES DIESEL FUEL	15,920.43
EFT76220	09/08/2012	GALLERY 500	ART SUPPLIES	89.00
EFT76221	09/08/2012	GISSA INTERNATIONAL PTY LTD	CONTRIBUTION TO A-SPEC ADMINISTRATION FOR THE FINANCIAL YEAR 2012-2013	1,939.26
EFT76222	09/08/2012	LUSH GARDEN GALLERY	LENGTH OF SERVICE GIFT VOUCHER	360.00
EFT76223	09/08/2012	GORDON WALMSLEY PTY LTD	ASPHALT SUPPLIES	57,080.00
EFT76224	09/08/2012	GRANDE FOOD SERVICE	CATERING FOR TIME OUT CAFE	296.37
EFT76225	09/08/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	240.78
EFT76226	09/08/2012	GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	Staff to attend Chemical Users Refresher Course on 15 August 2012 Ken Battison Terry Brooks Gary Cooper Shane Delury Keith Farmer Leeanne Gawn Peter Mortimer Wayne Turner Brett Wolfe	7,885.00
EFT76227	09/08/2012	GREEN SKILLS INC	TEMPORARY STAFF	8,025.50
EFT76228	09/08/2012	GREAT SOUTHERN PACKAGING SUPPLIES	SECURITY SERVICES	718.04
EFT76229	09/08/2012	ANDREW GREENWOOD	AUTOCAD TRAINING REIMBURSEMENT	220.79
EFT76230	09/08/2012	PROTECTOR FIRE SERVICES PTY LTD	FIRE EQUIPMENT MAINTENANCE	1,177.00
EFT76231	09/08/2012	HARLEY GLOBAL	PROFESSIONAL FEES - CLOSURE & REALIGNMENT OF PALMDALE ROAD	9,319.20
EFT76232	09/08/2012	HART SPORT	SPORT EQUIPMENT	318.00
EFT76233	09/08/2012	HELEN LEEDER-CARLSON	WEDNESDAY PAINTING WITH HELEN	240.00
EFT76234	09/08/2012	ROB HETHERINGTONS PRACTICAL HANDS	FOR THE SUPPLY OF 1 MICROLOGGER, COMMUNICATION CABLE, USB/SERIAL ADAPTOR, SOFTWARE, AND SOFTWARE FOR CONVERSION OF DATA TO INTENSITIES, CLEAN AND CALIBRATE, MONITOR RAIN GUAGE.	1,900.00
EFT76235	09/08/2012	RATTEN & SLATER MACHINERY	VEHICLE PARTS	357.23
EFT76236	09/08/2012	HUDSON SEWAGE SERVICES	ALARM ACTIVATION ON BIOMAX SYSTEM - CALL OUT	198.00
EFT76237	09/08/2012	JIMS TEST AND TAG	TEST AND TAG SERVICE	7,314.67
EFT76238	09/08/2012	JUST SEW EMBROIDERY	EMBROIDERY	22.00
EFT76239	09/08/2012	JUST A CALL DELIVERIES	INTERNAL MAIL DELIVERIES	964.70
EFT76240	09/08/2012	KANDOO WINDSCREENS	WINDSCREEN REPAIRS - PO 33788	2,068.00
EFT76241	09/08/2012	PAULA KEENAN	FITNESS INSTRUCTION CONSULTANCY	1,000.00
EFT76242	09/08/2012	DAVID KING	AUTOCAD TRAINING REIMBURSEMENTS	73.20

## AGENDA ITEM 4.1 REFERS

EFT76243	09/08/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	343.85
EFT76244	09/08/2012	LATRO LAWYERS	LEGAL EXPENSES	5,700.86
EFT76245	09/08/2012	LGNET	LGNET ON LINE ADVERTISING - MANAGER RECREATION SERVICES 3/7 - 16/7/12	132.00
EFT76246	09/08/2012	CALTEX ENERGY WA	FUEL PURCHASES	8,671.37
EFT76247	09/08/2012	M & A STEEL FABRICATION	To move shed to cover oil bunding including all costs associated	4,400.00
EFT76248	09/08/2012	M & B SALES PTY LTD	WEATHERCOTE	233.67
EFT76249	09/08/2012	ALBANY CITY MOTORS	VEHICLES/VEHICLE PARTS/REPAIRS - PO 33775	16.49
EFT76250	09/08/2012	MCKAY LEGAL WA	PROFESSIONAL LEGAL SERVICES TO 31/7/12	5,319.60
EFT76251	09/08/2012	MCLEODS BARRISTERS & SOLICITORS	LEGAL COSTS - DEVELOPMENT IN DEVELOPMENT EXCLUSION AREA 43 FORSYTH GLADE	1,709.56
EFT76252	09/08/2012	METROOF ALBANY	ROOFING MATERIALS	62.06
EFT76253	09/08/2012	MIRA MAR VETERINARY SERVICES	ANIMAL EUTHANASIA	114.00
EFT76254	09/08/2012	MT ROMANCE AUSTRALIA PTY LTD	NADIOC WEEK PRIZES	300.00
EFT76255	09/08/2012	MT BARKER COMMUNICATIONS	TWO WAY RADIO REPAIRS/MAINT	82.50
EFT76256	09/08/2012	MSS SECURITY	RPT FLIGHTS AIRPORT SECURITY SCREENING 29/6 - 30/6/2012	2,304.90
EFT76257	09/08/2012	LGIS LIABILITY	PROFESSIONAL INDEMNITY CLAIM - 614809 R PAVER	5,000.00
EFT76258	09/08/2012	ALBANY NEAT AND TRIM LAWNS	MOW LAWN VANCOUVER ARTS CENTRE	170.00
EFT76259	09/08/2012	NORDIC FITNESS EQUIPMENT	FITNESS EQUIPMENT	395.00
EFT76260	09/08/2012	OCLC (UK) LTD	Amlib DIY/SIP2 Additional License (Device License for Overdrive)	660.00
EFT76261	09/08/2012	OKEEFE'S PAINTS	PAINT & PAINTING SUPPLIES	43.10
EFT76262	09/08/2012	OMNITECH SERVICES PTY LTD	PLAYGROUND EQUIPMENT	2,437.60
EFT76263	09/08/2012	ORANA CINEMAS ALBANY	ADVERTISING	280.00
EFT76264	09/08/2012	PETER GRAHAM AND COMPANY LTD	Straps solo backpack	41.85
EFT76265	09/08/2012	PLASTICS PLUS	32L Mini Wheelie Bin/60L Mini Wheelie Bin	121.00
EFT76266	09/08/2012	ALBANY POLICE AND CITIZENS YOUTH CLUB	ELECTRICITY COSTS- SKATE PARK	465.46
EFT76267	09/08/2012	AUSTRALIAN RED CROSS MEHS	Replace and fit inner tube and tyre for wheelchair	59.90
EFT76268	09/08/2012	REECE PTY LTD	PLUMBING SUPPLIES	53.47
EFT76269	09/08/2012	W P REID	CONCRETE WORKS ON ALBANY HIGHWAY FOOTPATH	38,071.00
EFT76270	09/08/2012	SECUREPAY PTY LTD	WEB PAYMENTS SEAT ADVISOR PRICING TRANSACTION FEE	28.02
EFT76271	09/08/2012	SEEK LIMITED	JOB VACANCY ADVERTISING - LAND ADMIN OFFICER & MANAGER ASSET SERVICES	495.00
EFT76272	09/08/2012	KAITLYN SEYMOUR	ADMIN ASSISTANCE	345.60
EFT76273	09/08/2012	SIGNS PLUS	STAFF NAME BADGES	31.40
EFT76274	09/08/2012	SIGN A RAMA	2 x replacement poles for Amazing Albany banners, damaged with prior use 1 x freight charge	99.00
EFT76275	09/08/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	4,044.24
EFT76276	09/08/2012	SKYWEST AIRLINES	AIRFARES FOR STAFF/COUNCILLORS/MAYOR	291.17
EFT76277	09/08/2012	SMITHS ALUMINIUM & 4WD CENTRE	Being for the construction of two wheel chair cages	4,382.00
EFT76278	09/08/2012	SOUTHERN ELECTRICS	Electrical Upgrade to gymnasium for new AV and Gym Equipment	7,459.42
EFT76279	09/08/2012	SOUTHERN TOOL & FASTENER CO	PRUNER/CHAINSAW & BLOWERS	4,013.45
EFT76280	09/08/2012	SOUTHWAY DISTRIBUTORS PTY LTD	CATERING SUPPLIES	1,239.04
EFT76281	09/08/2012	SOUTHCOAST SECURITY SERVICE	BUSINESS BANKING SERVICES JULY 2012	1,668.63
EFT76282	09/08/2012	SPARKE HELMORE LAWYERS	LEGAL COSTS	4,120.60
EFT76283	09/08/2012	GARY OWEN SPENCE	LAWN MOWING	105.00
EFT76284	09/08/2012	SAI GLOBAL LTD	INTERNET DOWNLOAD - SUPPLY ONE COPY OF AS1288 - 2006	139.19

## AGENDA ITEM 4.1 REFERS

EFT76285	09/08/2012	STATEWIDE BUILDING CERTIFICATION WA	Certificate of Design Compliance - Padre White Lookout	1,056.00
EFT76286	09/08/2012	STIRLING CONFECTIONERY PLUS	CONFECTIONERY SUPPLIES	189.65
EFT76287	09/08/2012	ALBANY LOCK SERVICE	FRONT GATE KEY FOR MERCER ROAD DEPOT	18.20
EFT76288	09/08/2012	T & C SUPPLIES	HARDWARE SUPPLIES	2,297.92
EFT76289	09/08/2012	THE VEGIE SHOP	GROCERIES FOR DAYCARE	372.50
EFT76290	09/08/2012	THE COMPUTER SCHOOL. NET	TheComputerSchool.Net Library Skills Index Resource - 2 year subscription. Unlimited use.	770.00
EFT76291	09/08/2012	TRU-BLU GROUP PTY LTD	Days hire of 1.5 ton excavator	460.60
EFT76292	09/08/2012	TWO MILE PROJECTS	CITY OF ALBANY_PROFESIONAL SERVICES_JULY 2012	11,825.70
EFT76293	09/08/2012	ALBANY TYREPOWER	HAND CLEANER - PO 33777	145.00
EFT76294	09/08/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	SCREENED TOP SOIL	968.50
EFT76295	09/08/2012	VISIT MERCHANDISE PTY LTD	VISITOR CENTRE MERCHANDISE	157.85
EFT76296	09/08/2012	WA HINO SALES AND SERVICE	VEHICLE PARTS - PO 33785	208.13
EFT76297	09/08/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	1,041.04
EFT76298	09/08/2012	WESTERBERG PANEL BEATERS	TOWING OF RANGERS VEHICLE A60263	360.80
EFT76299	09/08/2012	WESTRAC EQUIPMENT PTY LTD	VEHICLE PARTS - PO 33780	76.30
EFT76300	09/08/2012	WA LOCAL GOVERNMENT ASSOCIATION	ASSOCIATION MEMBERSHIP SUBSCRIPTION 2012/2013	54,473.10
EFT76301	09/08/2012	WESTERN WORK WEAR	Wet Weather clothing	112.52
EFT76302	09/08/2012	WEST-OZ WEB SERVICES	COMPLETED BOOKINGS MARKETING FEE - 1/7/2012 - 31/7/2012 \$1635 @ 5%	107.00
EFT76303	09/08/2012	ALABNY LEGAL	LEGAL EXPENSES	4,305.40
EFT76304	09/08/2012	THE WINDOW WASHER MAN	WINDOW CLEANING - VAC	50.00
EFT76305	09/08/2012	WOOD AND GRIEVE ENGINEERS	PALMDALE RD	2,803.05
EFT76306	09/08/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	19.01
EFT76307	16/08/2012	ABA SECURITY	SECURITY SERVICES	1,016.50
EFT76308	16/08/2012	ACTIV FOUNDATION INC.	BAGS OF RAGS	60.01
EFT76309	16/08/2012	AD CONTRACTORS PTY LTD	Litres of Catamol (Emulsion) for Urban Patching Truck	8,013.50
EFT76310	16/08/2012	ADVERTISER PRINT	20 X PARKING INFINGEMENT NOTICE BOOKS	345.00
EFT76311	16/08/2012	ALBANY TOYOTA	VEHICLE PARTS/MAINTENANCE	235.72
EFT76312	16/08/2012	ALBANY CRANE HIRE	Being for the removal of the pontoon from Middleton beach to the second yard on Mercer Road.	429.00
EFT76313	16/08/2012	ALBANY STATIONERS	STATIONERY ITEMS	22.40
EFT76315	16/08/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	OFFICE CHAIRS/MATS	8,191.15
EFT76317	16/08/2012	ALBANY PSYCHOLOGICAL SERVICES	CONSULTATION FEES	187.00
EFT76318	16/08/2012	ALBANY PONY CLUB	ANNUAL MEMEBERSHIP 2012 FOR MISS BETHANY RAINBOW	300.00
EFT76319	16/08/2012	ALBANY QUALITY LAWNMOWING	LAWN MOWING AT LOTTERIES HOUSE	100.00
EFT76320	16/08/2012	THE APEX CLUB OF ALBANY (INC)	Supply of food for National Tree Planting Day - 29th July 2012 - Centennial Park Living Stream Restoration Project	385.00
EFT76322	16/08/2012	AUDIOCOM ALBANY	Car Kits as required	365.00
EFT76323	16/08/2012	DANIEL BAKER	REIMBURSMENT FOR WALGA HR SEMINAR & MEETING WITH LGIS	495.50
EFT76324	16/08/2012	BAREFOOT CLOTHING MANUFACTURERS	UNIFORMS	60.90
EFT76325	16/08/2012	BARKERS TRENCHING SERVICES	INSTALL DRAINAGE AT FLINDERS PARADE	7,000.00
EFT76326	16/08/2012	BATTERY WORLD	BATTERY FOR TOYOTA HILUX A60339	179.00
EFT76327	16/08/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hours Hire of Traffic Control 3 July 2012	591.42
EFT76328	16/08/2012	BERG CONTRACTING SERVICES (FORMERLY P BERG & SONS)	Pickup and disposal of Asbestos waste from Hunwick road	1,116.00
EFT76329	16/08/2012	BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES	654.50

## AGENDA ITEM 4.1 REFERS

EFT76330	16/08/2012	BLACKWOODS	SAFETY EQUIPMENT	38.81
EFT76331	16/08/2012	BLOOMIN FLOWERS	Flowers to be delivered to Mrs Naree Ashford C/- Albany Regional Hospital.	45.00
EFT76332	16/08/2012	ALBANY BOBCAT SERVICES	Supply bobcat and truck	640.00
EFT76333	16/08/2012	BRANDNET PTY LTD T/AS MILITARY SHOP	SUPPLY OF MERCHANDISE ITEMS AS PER SALES ORDER 41046	14.75
EFT76334	16/08/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	227.83
EFT76337	16/08/2012	MARK BYRNES	SECURITY AIPORT UPGRADE	3,637.50
EFT76338	16/08/2012	CALIBRE CARE	Extension grabs	36.30
EFT76339	16/08/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	797.78
EFT76340	16/08/2012	CHADSON ENGINEERING PTY LTD	Palintest 9 (Pool chemistry test kit) Calibration (including freight)	216.70
EFT76341	16/08/2012	BIS CLEANAWAY LIMITED	RUBBISH REMOVAL CONTRACT	237,034.45
EFT76342	16/08/2012	COCA-COLA AMATIL PTY LTD	CATERING SUPPLIES	528.89
EFT76343	16/08/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	468.43
EFT76344	16/08/2012	CONSTRUCTION EQUIPMENT AUSTRALIA	Supply LH door glass and seal to suit JCB Backhoe.	994.13
EFT76345	16/08/2012	COVS PARTS PTY LTD	VEHICLE PARTS	900.89
EFT76346	16/08/2012	HOLCIM (AUSTRALIA) PTY LTD	Tonnes METAL DUST	6,270.23
EFT76347	16/08/2012	AL CURNOW HYDRAULICS	Repairs to Kevrek crane as required	1,188.49
EFT76348	16/08/2012	CYNERGIC COMMUNICATIONS	SERVICE CHARGES	493.90
EFT76349	16/08/2012	DEPARTMENT OF TRANSPORT	SEARCH FOR VEHICLE OWNERSHIP	9.00
EFT76350	16/08/2012	JEFFREY FAIRHEAD	TAXI CHARGES	66.00
EFT76351	16/08/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	64.97
EFT76352	16/08/2012	FARMERS CENTRE (1978) PTY LTD	VEHICLE PARTS	76.85
EFT76353	16/08/2012	THE FIXUPPERY	WINDOW CLEANING	644.51
EFT76354	16/08/2012	FOXTEL MANAGEMENT PTY LTD	BUSINESS PREMIUM PACKAGE MONTHLY SUBSCRIPTION	100.00
EFT76355	16/08/2012	FUELS WEST PETROLEUM	LITRES DIESEL FUEL	9,321.58
EFT76356	16/08/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING GOODS	522.83
EFT76357	16/08/2012	CPG RESEARCH AND ADVISORY PTY LTD	Valuation CDO investments, for audit requirements	5,500.00
EFT76358	16/08/2012	PROTECTOR FIRE SERVICES PTY LTD	FIRE EQUIPMENT MAINTENANCE FOR AUGUST 2012	72.27
EFT76359	16/08/2012	HELEN LEEDER-CARLSON	ANNUAL WORKSHOP PROGRAM	240.00
EFT76360	16/08/2012	GRETA KATHERINA HODGKINSON	Rates refund for assessment A3907	542.62
EFT76361	16/08/2012	RATTEN & SLATER MACHINERY	VEHICLE PARTS ORDER#33784	160.93
EFT76362	16/08/2012	THE JAFFA ROOM / ARTISTRALIA	MOVIE SCREENING NIGHTMARE BEFORE XMAS IN OCTOBER	176.00
EFT76363	16/08/2012	JUST SEW EMBROIDERY	EMBROIDERY	104.50
EFT76364	16/08/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	3,241.89
EFT76365	16/08/2012	L-3 COMMUNICATIONS AUSTRALIA PTY LTD	2 X OPTEX EXPLOSIVES VERIFICATION KIT & 1 X SAMPLE TRAPS - AIRPORT	477.40
EFT76366	16/08/2012	LEASE CHOICE	PHOTOCOPIER LEASE FROM 27/9/12 - 26/10/12	970.20
EFT76367	16/08/2012	LORLAINE DISTRIBUTORS PTY LTD	CLEANING SUPPLIES - PO 33643	101.50
EFT76368	16/08/2012	M & B SALES PTY LTD	TIMBER SUPPLIES	100.87
EFT76369	16/08/2012	ALBANY CITY MOTORS	VEHICLE PARTS - PO 33786	90.84
EFT76370	16/08/2012	MCKAY LEGAL WA	PROFESSIONAL LEGAL SERVICES	562.65
EFT76371	16/08/2012	MCLEODS BARRISTERS & SOLICITORS	REVEIW OF DRAINAGE MAINTENANCE DEED: NATIONAL LIFESTYLE VILLAGE	967.45
EFT76372	16/08/2012	MERRIFIELD REAL ESTATE	RENT TO AUGUST 2012 - STORAGE UNIT - 23/71 COCKBURN ROAD, ALBANY - OWNER	600.00
			MR & MRS PJ & LA MACDONNELL	
EFT76373	16/08/2012	METTLER TOLEDO LTD	C04-0510 OverDrive (OverDrive Weighbridge Software)	2,420.00
EFT76374	16/08/2012	MIRA MAR VETERINARY SERVICES	DISPOSAL OF ANIMALS	203.00
EFT76375	16/08/2012	MISS MAUD SWEDISH HOTEL	SLWA EXCHANGE 2ND AUGUST - 1 NIGHT ACCOMODATION & Meal allowance	239.00

## AGENDA ITEM 4.1 REFERS

EFT76376	16/08/2012	WESTERN AUSTRALIAN RANGERS ASSOCIATION INC	RANGERS UNIFORM	523.75
EFT76377	16/08/2012	JOHN MOIR	RUBBISH REMOVAL FROM CAPE RICHIE - JULY 2012	600.00
EFT76378	16/08/2012	MSS SECURITY	RPT FLIGHTSAIRPORT SECURITY SCREENING - 26/6/2012 - 28/6/2012	6,828.98
EFT76379	16/08/2012	NEVILLES HARDWARE & BUILDING SUPPLIES	HARDWARE SUPPLIES	5.85
EFT76380	16/08/2012	NEWBYS AUTOMOTIVE ELECTRICIANS	VEHICLE PARTS/REPAIRS - PO 33037	123.20
EFT76381	16/08/2012	PN & ER NEWMAN QUALITY CONCRETE PRODUCTS	Square man hole cover 1200mm X 1200mm X 150mm w/insert	264.00
EFT76382	16/08/2012	OFFICEWORKS SUPERSTORES PTY LTD	2 X KAISER BAAS BT-280 KEYBOARDS	257.02
EFT76383	16/08/2012	CORR ART	ARTISTIC DEVELOPMENT SERIES	280.00
EFT76384	16/08/2012	OVER THE RAINBOW STORYTELLERS	SUPPLY 16 X FINGER PUPPETS	64.00
EFT76385	16/08/2012	RANI PARAM	REIMBURSEMENT OF POLICE CLEARANCE FEE	62.75
EFT76386	16/08/2012	PATHWEST LABORATORY MEDICINE WA	PRE EMPLOYMENT SCREEN	35.00
EFT76387	16/08/2012	PLATTERS GOURME	MORNING TEA HELD AT AIRPORT 2ND OF JULY	1,317.00
EFT76388	16/08/2012	ANGELA POULISH	CONTRACT- MAJOR PROJECTS ADMINISRATION OFFICER 1/7/12 - 31/7/12 & 1/8/12 - 10/8/12	6,177.53
EFT76389	16/08/2012	RAILWAYS FOOTBALL CLUB	KIDS SPORT REGISTRATIONS	340.00
EFT76390	16/08/2012	ALBANY ALUMINIUM FABRICATION	ALUMINIUM PICTURE RAIL	325.00
EFT76391	16/08/2012	ROSMECH SALES AND SERVICE PTY LTD	VEHICLE PARTS	330.88
EFT76392	16/08/2012	UNITED TOOLS ALBANY	HARDWARE/TOOL SUPPLIES	92.02
EFT76393	16/08/2012	KAITLYN SEYMOUR	ADMIN ASSISTANCE	138.29
EFT76396	16/08/2012	SKILL HIRE WA PTY LTD	CASUAL STAFF	2,158.55
EFT76397	16/08/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	2,362.17
EFT76398	16/08/2012	SOUTHERN TOOL & FASTENER CO	HARDWARE SUPPLIES - PO 33627	153.72
EFT76399	16/08/2012	SOUTHWAY DISTRIBUTORS PTY LTD	CATERING SUPPLIES	1,507.25
EFT76400	16/08/2012	SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES	10,672.79
EFT76401	16/08/2012	SPEEDO AUSTRALIA PTY LTD	SPORTS STORE PURCHASES	2,292.40
EFT76402	16/08/2012	POSITION PARTNERS	4 x BATTERY LI-ION BT-66Q AT \$165.00 (INC GST) PER BATTERY.	660.00
EFT76403	16/08/2012	ST JOHN AMBULANCE AUSTRALIA	Course Fees for Jayde Sleep to attend Senior First Aid Training on 22 & 23 August 2012	165.00
EFT76404	16/08/2012	ALBANY LOCK SERVICE	LOCKSMITH SERVICES,REPAIRS ETC	335.20
EFT76405	16/08/2012	SYNERGY	ELECTRICITY SUPPLIES FROM 7/2/12 - 13/7/12	54,911.14
EFT76406	16/08/2012	T & C SUPPLIES	HARDWARE/TOOL SUPPLIES - PO 33631	688.34
EFT76407	16/08/2012	JTAGZ PTY LTD	500 - YELLOW DOG TAGS EXPPIRY 2014	198.00
EFT76408	16/08/2012	TECTONICS CONSTRUCTION GROUP P/L	Construction Services Rendered Variation Claim Fee	43,409.38
EFT76409	16/08/2012	THE VEGIE SHOP	GROCERIES FOR DAYCARE	198.56
EFT76410	16/08/2012	TOTAL GREEN RECYCLING	E WASTE RECYCLING	3,304.64
EFT76411	16/08/2012	TRAILBLAZERS	SAFETY EQUIPMENT	198.00
EFT76412	16/08/2012	TRUCKLINE	VEHICLE PARTS	142.66
EFT76413	16/08/2012	TRU-BLU GROUP PTY LTD	MINI EXCAVATOR HIRE - 19/6 - 22/6/2012	1,049.40
EFT76414	16/08/2012	UGL SERVICES	ELECTRICITY ALBANY AIRPORT 4/2/2012 - 3/5/2012	631.60
EFT76415	16/08/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	SCREENED TOP SOIL	358.50
EFT76416	16/08/2012	SARAH VALLENTINE	CASUAL SHIFT 31/7/12 9-11AM	51.11
EFT76417	16/08/2012	VIGIL ANTISLIP	ANTISLIP STAIR NOSINGS, CEMMERCIAL, YELLOW, CLASS ONE 1200MM X 80MM X 20MM	2,296.80
EFT76418	16/08/2012	WA NATURALLY PUBLICATIONS	VISITOR CENTRE MERCHANDISE	475.89

AGENDA ITEM 4.1 REFERS

EFT76419	16/08/2012	NATALIE WEBB	Rates refund for assessment A68995	54.48
EFT76420	16/08/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	473.26
EFT76421	16/08/2012	WESTRAC EQUIPMENT PTY LTD	1 x 200L and 1 x 20L drum of CAT DEO 15w/40 Engine Oil.	1,143.09
EFT76422	16/08/2012	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING	4,663.47
EFT76423	16/08/2012	WESTSHRED DOCUMENT DISPOSAL	DOCUMENT DISPOSAL	863.50
EFT76424	16/08/2012	WESTERN POWER CORPORATION	SPO36657 FRENCHMAN BAY ROAD MOUNT. ELPHINSTONE - STREETLIGHT	1,603.00
EFT76425	16/08/2012	WESTERN WORK WEAR	UNIFORMS	50.31
EFT76426	16/08/2012	YAKKA PTY LTD (KINGGEE WORKWEAR GROUP)	UNIFORMS	31.99
EFT76427	16/08/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	34.56
EFT76428	16/08/2012	ADVERTISER PRINT	BUSSINESS CARDS AS PER PO 61252	60.00
EFT76429	16/08/2012	ALBANY STOCKFEEDS	PIG FOOD	26.20
EFT76430	16/08/2012	ALBANY NEWS DELIVERY	NEWSPAPER DELIVERIES	86.00
EFT76431	16/08/2012	ATC WORK SMART	CASUAL STAFF/APPRENTICE FEES	6,736.37
EFT76432	16/08/2012	AURORA ENVIRONMENTAL	INVOICE FOR CONSULTING SERVICE IN JUNE 2012 - PT LOT 4743 YAKAMIA REVIEW	1,806.50
EFT76433	16/08/2012	CARDNO (WA) PTY LTD	HANRAHAN LEACHATE PROJECT DESIGN CONSULTANCY SERVICES (EQUOTE P12007)	5,280.00
EFT76434	16/08/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	Dulux exterior paint (lids & liners)	262.00
EFT76435	16/08/2012	DOWNER EDI WORKS PTY LTD	Tonnes COLDMIX	1,713.50
EFT76436	16/08/2012	GREAT SOUTHERN GROUP TRAINING	APPRENTICES FEES	5,653.19

**TOTAL** **\$ 3,877,074.33**

TRUST CHEQUES AND ELECTRONICS FUNDS TRANSFER PAYMENTS

EFT/CHQ	Date	Name	Description	Amount
28300	09/08/2012	NOTLE PTY LTD	WAPC 136274 LOT 5 WILLYUNG ROAD STG 2	4,926.00
<b>Total</b>				<b>4,926.00</b>

MASTERCARD TRANSACTIONS - JUNE 2012

Date	Payee	Description	Amount
06-July-2012	Discover West Holidays	Accommodation - Mayor Wellington 3 nights - Conference WALGA	585.00
08-July-2012	Skywest Airlines	Mayor Wellington - Flights	409.87
17-July-2012	Qantas	Airfare Acting CEO L Hill	413.71
Various	Sundry < \$ 200.00		49.94
<b>TOTAL</b>			<b>\$ 873.52</b>

Payroll - 14 June 2012 - 12 July 2012

19/07/2012	Sundry Pay	\$ 14,268.39
25/07/2012	Payroll	\$ 565,518.65
31/07/2012	Sundry Pay	\$ 32,334.31
1/08/2012	Sundry Pay	\$ 919.23
3/08/2012	Sundry Pay	\$ 9,493.01
3/08/2012	Sundry Pay	\$ 10,049.36
8/08/2012	Payroll	\$ 441,884.26
9/08/2012	Sundry Pay	\$ 1,304.98
17/08/2012	Sundry Pay	\$ 2,454.14
<b>TOTAL</b>		<b>1,078,226.33</b>



Trust

Cheques

Electronic Fund Transfer

Credit Cards

Payroll

# AGENDA ITEM 4.1 REFERS

Totalling	\$	4,926.00
Totalling	\$	99,647.76
Totalling	\$	3,877,074.33
Totalling	\$	873.52
Totalling	\$	1,078,226.33
	\$	5,060,747.94

**4.2: FINANCIAL ACTIVITY STATEMENT – 31 AUGUST 2012**

**Responsible Officer** : Executive Director Corporate Services (G Adams)

[7:51:06 PM](#) Mayor Wellington returned to the Chamber and resumed the Chair.

**IN BRIEF**

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 August 2012.

**ITEM 4.2: RESOLUTION****VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR BOWLES**

**The Financial Activity Statement for the period ending 31 August 2012 be RECEIVED.**

**CARRIED 12-0**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 August 2012 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

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

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

## 6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 AUGUST 2012

	Actual Year to Date 31-Aug-12	Current Budget Year to Date 31-Aug-12	Current Budget vs Actual Variance	*
<b>REVENUE</b>				
Operating Grants & Subsidies	23,023	37,980	-14,957	X
Fees and Charges	6,269,082	6,234,152	34,930	√
Contributions, Donations & Reimbursements	75,835	119,176	-43,341	X
Interest Earnings	87,847	88,102	-255	X
Other Revenue	2,000	10,830	-8,830	X
	<b>6,457,786</b>	<b>6,490,240</b>	<b>-32,454</b>	
<b>EXPENDITURE</b>				
Employee Costs	2,594,982	3,116,138	-521,156	√
Materials and Contracts	1,256,340	2,082,876	-826,536	√
Utility Charges	171,354	199,229	-27,875	√
Interest Expenses	(21,737)	8,138	-29,875	√
Insurance Expenses	0	120,318	-120,318	√
Other Expenditure	106,123	117,857	-11,734	√
Depreciation	1,968,024	1,968,024	0	√
Loss on Sale of Assets	0	44,824	-44,824	√
Less Allocated to Infrastructure	(57,953)	(77,998)	20,045	√
	<b>6,017,133</b>	<b>7,579,406</b>	<b>-1,562,273</b>	
<b>Adjustment for Non-cash Revenue and Expenditure:</b>				
Write Back Non Cash Items	1,968,024	1,968,024	0	
Adjust (Profit)/Loss on Asset Disposal	0	44,824	-44,824	
<b>Net Operating Excluding Rates</b>	<b>2,408,678</b>	<b>923,682</b>		
<b>CAPITAL REVENUE</b>				
Non-Operating Grants, Subsidies and Cont	1,397,922	1,081,322	316,600	√
Proceeds from asset disposals	4,956	334	4,622	√
Transfers from Reserves (Restricted Assets)	0	0	0	√
	<b>1,402,878</b>	<b>1,081,656</b>	<b>321,222</b>	
<b>CAPITAL EXPENDITURE</b>				
Capital Expenditure	457,334	1,207,006	-749,672	√
Repayment of Loans	16,200	32,492	-16,292	√
Transfers to Reserves (Restricted Assets)	9,665	83,843	-74,178	√
	<b>483,199</b>	<b>1,323,341</b>	<b>-840,142</b>	
<b>Net Capital</b>	<b>919,679</b>	<b>(241,685)</b>	1,161,364	
<b>Total Net Operating + Capital</b>	<b>3,328,357</b>	<b>681,997</b>	2,646,360	
Rates Revenue	27,150,693	27,093,676	57,017	
Restricted Cash Funds - Grants	0	0	0	
Opening Funding Surplus (Deficit)	2,589,920	2,589,920	0	
<b>Closing Funding Surplus (Deficit)</b>	<b>33,068,970</b>	<b>30,365,593</b>	<b>2,703,377</b>	

\* √ Is higher than expected revenue or lower than expected expenditure

\* X is lower than expected revenue and higher than expected Expenditure

**7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 31 AUGUST 2012**

	Actual 31-Aug-12	Actual 30-Jun-12
<b>NET CURRENT ASSETS</b>		
Composition of Net Current Asset Position		
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	13,742,205	10,207,312
Cash - Restricted	8,962,134	8,944,063
Receivables	28,202,332	3,081,904
Inventories	2,346,820	2,321,477
<b>Total Current Assets</b>	<b>53,253,491</b>	<b>24,554,756</b>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	5,205,826	6,996,311
	<b>48,047,665</b>	<b>17,558,445</b>
Less: Cash - Restricted - Trust	(1,003,696)	(1,005,353)
Less: Cash - Restricted - Reserves	(7,958,438)	(7,938,710)
<b>NET CURRENT ASSET POSITION</b>	<b>39,085,531</b>	<b>8,614,382</b>
<b>NET CURRENT ASSETS PER BALANCE SHEET</b>	46,329,552	15,791,415
<b>Difference</b>	<b>7,244,021</b>	<b>7,177,033</b>
<b>Difference Represented by:</b>		
Restricted Cash (Trust)	1,003,696	1,005,353
Reserve Funds - Financial Assets	182,510	182,510
Reserve Funds - Other	7,775,928	7,756,201
Self Supporting Loans (part of Receivables and Other)	-	(31,062)
	<b>8,962,134</b>	<b>8,913,002</b>
<b>Less:</b>		
Borrowings	770,406	786,606
Trust Liabilities	947,707	949,363
<b>Difference</b>	<b>7,244,021</b>	<b>7,177,033</b>

## 8. CITY OF ALBANY- STATEMENT OF FINANCIAL POSITION-AS AT 31 AUGUST 2012

	Actual 31-Aug-12	Actual 30-Jun-12
<b>CURRENT ASSETS</b>		
Cash - Municipal	13,742,205	10,207,312
Restricted cash (Trust)	1,003,696	1,005,353
Reserve Funds - Financial Assets	182,510	182,510
Reserve Funds - Other	7,775,928	7,756,201
Receivables & Other	28,202,332	3,050,842
Investment Land	1,681,028	1,681,028
Stock on hand	665,791	640,450
	<b>53,253,490</b>	<b>24,523,695</b>
<b>CURRENT LIABILITIES</b>		
Borrowings	770,406	786,606
Creditors prov - Annual leave & LSL	2,435,034	2,562,504
Trust Liabilities	947,707	949,363
Creditors prov & accruals	2,770,791	4,433,807
	<b>6,923,938</b>	<b>8,732,281</b>
<b>NET CURRENT ASSETS</b>	<b>46,329,552</b>	<b>15,791,415</b>
<b>NON CURRENT ASSETS</b>		
Receivables	12,989	46,211
Pensioners Deferred Rates	383,302	383,302
Investment Land	4,509,155	4,509,155
Property, Plant & Equip	78,095,895	78,230,138
Infrastructure Assets	181,071,825	182,448,273
Local Govt House Shares	19,501	19,501
	<b>264,092,667</b>	<b>265,636,580</b>
<b>NON CURRENT LIABILITIES</b>		
Borrowings	16,639,788	16,639,788
Creditors & Provisions	465,710	465,710
	<b>17,105,498</b>	<b>17,105,498</b>
<b>NET ASSETS</b>	<b>293,316,721</b>	<b>264,322,496</b>
<b>EQUITY</b>		
Accumulated Surplus	265,883,612	236,899,052
Reserves	8,658,475	8,648,810
Asset revaluation Reserve	18,774,634	18,774,634
	<b>293,316,721</b>	<b>264,322,496</b>

**9. STATEMENT OF COMPREHENSIVE INCOME (BY NATURE OR TYPE)  
AS AT 31 AUGUST 2012**

Nature / Type	YTD Actual 2012/13	Budget-Total 2012/13	Actual 2011/12
<b>INCOME</b>			
Rates	27,150,693	27,107,022	25,643,895
Grants & Subsidies	23,023	2,732,950	4,887,130
Contributions. Reimb & Donations	75,835	373,610	622,381
Fees & Charges	6,269,082	14,432,869	13,421,334
Service Charges	0	0	322
Interest Earned	87,847	825,368	1,242,052
Other Revenue / Income	2,000	115,000	839,596
	<b>33,608,480</b>	<b>45,586,819</b>	<b>46,656,710</b>
<b>EXPENDITURE</b>			
Employee Costs	2,537,029	18,293,908	15,789,715
Utilities	171,354	1,729,483	1,910,194
Interest Expenses	(21,737)	909,431	1,046,166
Depreciation on noncurrent assets	1,968,024	11,812,900	11,591,183
Contracts & materials	1,256,340	14,259,030	12,200,593
Insurance expenses	0	722,187	587,694
Other Expenses	106,123	1,721,311	1,811,679
	<b>6,017,133</b>	<b>49,448,250</b>	<b>44,937,226</b>
<b>Change in net assets from operations</b>	<b>27,591,347</b>	<b>(3,861,431)</b>	<b>1,719,484</b>
Grants and Subsidies - non-operating	1,326,037	9,494,797	3,957,734
Contributions Reimbursements and Donations - non-operating	71,885	0	2,169,357
Profit/Loss on Asset Disposals	4,956	(269,049)	(18,345)
Cash Backing of Reserves	0	0	27,444
Fair value - Investments adjustment			0
	<b>28,994,225</b>	<b>5,364,317</b>	<b>7,855,674</b>

\*\*REFER DISCLAIMER\*\*

## 10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 31 AUGUST 2012

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Jun-12	Market Value Jul-12	Market Value Aug-12	Latest Monthly Variation
<b>MUNICIPAL ACCOUNT</b>							
CBA	6/07/2012	2,000,000	4.70%	2,000,000			
CBA	8/08/2012	2,000,000	4.48%		2,000,000		
CBA	7/09/2012	2,000,000	4.50%			2,000,000	
NAB	31/07/2012	1,000,078	4.25%	1,000,078	1,000,078		
NAB	29/09/2012	1,000,078	3.15%			1,000,078	
ANZ	3/07/2012	3,000,000	4.00%	3,000,000			
ANZ	2/08/2012	3,000,000	4.00%		3,000,000		
ANZ	3/09/2012	1,000,000	4.00%			1,000,000	
BANKWEST	8/07/2012	2,000,000	4.45%	2,000,000			
BANKWEST	7/08/2012	2,000,000	4.20%		2,000,000		
BANKWEST	6/09/2012	2,000,000	4.20%			2,000,000	
				<b>8,000,078</b>	<b>8,000,078</b>	<b>6,000,078</b>	n/a
<b>RESERVES ACCOUNT</b>							
No funds currently invested							
				0	0	0	
				<b>0</b>	<b>0</b>	<b>0</b>	n/a
<b>COMMERCIAL SECURITIES - CDOs (New York Mellon)</b>							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	0	0	0	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	0	0	0	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	0	0	0	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	0	0	0	0
		<b>2,118,046</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



\*\*REFER DISCLAIMER\*\*

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Jun-12	Market Value Jul-12	Market Value Aug-12	Latest Monthly Variation
<b>COMMERCIAL SECURITIES - CDOs - Other</b>							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	0	0	0	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	0	0	0	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	0	0	0	0
		<b>1,324,656</b>		<b>68,750</b>	<b>68,750</b>	<b>68,750</b>	<b>0</b>
<b>PORTFOLIO TOTAL</b>				<b>8,068,828</b>	<b>8,068,828</b>	<b>6,068,828</b>	<b>0</b>

**11. FINANCIAL RATIOS - AS AT 31 AUGUST 2012**

<b>CITY OF ALBANY FINANCIAL RATIOS</b>	<b>30-Jun-11</b>	<b>30-Jun-12</b>	<b>31-Aug-12</b>	<b>Benchmark</b>
<b>Liquidity Ratios</b>				
Current Ratio <sup>1</sup>	81.3%	200.2%	741.1%	>100%
Untied Cash to trade creditors Ratio <sup>2</sup>	273.6%	427.4%	1443.0%	>100%
<b>Financial Position Ratio</b>				
Debt Ratio <sup>3</sup>	9.8%	8.9%	7.6%	<100%
<b>Debt Ratios</b>				
Debt Service Ratio <sup>4</sup>	9.0%	7.2%	0.0%	<10%
Gross Debt to Revenue Ratio <sup>5</sup>	46.7%	30.2%	39.9%	<60%
Gross Debt to Economically Realisable Assets <sup>6</sup>	22.6%	13.2%	10.3%	<30%
<b>Coverage Ratio</b>				
Rate Coverage Ratio <sup>7</sup>	46.0%	57.3%	80.6%	>33%
<b>Effectiveness Ratio</b>				
Outstanding Rates Ratio <sup>8</sup>	3.3%	3.0%	93.2%	<5%

1. This ratio focuses on the liquidity position of a local government.
2. This ratio provides an indication of whether a local government has sufficient unrestricted cash to pay its trade creditors.
3. The ratio is a measure of total liabilities to total assets or alternatively the number of times total liabilities are covered by the total assets of a local government. The lower the ratio of total liabilities to total assets, the stronger is the financial position of the local government.
4. This ratio measures a local government's ability to service debt (principal and interest) out of its available operating revenue.
5. This ratio measures a local government's ability to service debt in any given year out of total revenue.
6. This ratio provides a measure of whether a local government has sufficient realisable assets to cover its total borrowings.
7. The Coverage Ratio measures the local government's dependence on rate revenue to fund its operations. The higher the ratio, the less dependent a local government is on grants and external sources to fund its operations.
8. The Effectiveness Ratio measures the effectiveness of a local government with the collection of its rates. This is very high at the moment as rates have just been billed and the due date is not until 12th September 2012.

**STATUTORY IMPLICATIONS**

12. *Section 34 of the Local Government (Financial Management) Regulations 1996 provides:*
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
    - a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
    - b) budget estimates to the end of the month to which the statement relates;
    - c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
    - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - e) the net current assets at the end of the month to which the statement relates.
  - II. Each statement of financial activity is to be accompanied by documents containing –
    - a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
    - b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
    - c) such other supporting information as is considered relevant by the local government.
  - III. The information in a statement of financial activity may be shown –
    - a) according to nature and type classification;
    - b) by program; or
    - c) by business unit
  - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
    - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - (b) recorded in the minutes of the meeting at which it is presented.

**FINANCIAL IMPLICATIONS** *Expenditure for the period ending 31 August 2012 has been incurred in accordance with the 2012/13 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.*

### 13. VARIANCES TO BUDGET IN EXCESS OF \$50,000 –

#### NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY AS AT 31 AUGUST 2012

##### Comments/Reason for Variance

#### OPERATING REVENUE (EXCLUDING RATES)

##### OPERATING GRANTS & SUBSIDIES

Under Variance threshold.

##### FEES AND CHARGES

Under Variance threshold.

##### CONTRIBUTIONS, DONATIONS & REIMBURSEMENTS

Under Variance threshold.

##### INTEREST EARNINGS

Under Variance threshold.

##### OTHER REVENUE

Under Variance threshold.

#### OPERATING EXPENSES

##### EMPLOYEE COSTS

Employee costs under budget year-to-date, due to year end accrual of wages to 11/12 year. Some manager/supervisor positions not yet filled (currently at recruitment stage) in Community Services, and Works and Services. Employee provisions for long service leave and annual leave not yet processed for period to date. Once this is processed, the variation will reduce. This will be done at the end of each quarter.

##### MATERIAL AND CONTRACTS

No billing received for a number of service contracts for July and August, the biggest being the waste contract.

##### UTILITY CHARGES

Under Variance threshold.

##### INTEREST EXPENSES

Under Variance threshold.

##### INSURANCE EXPENSES

Budget timing issue. First instalment invoice received, but not yet allocated. Allocation across all business units will be done in September.

**OTHER EXPENDITURE**

Under Variance threshold.

**DEPRECIATION (NON CURRENT ASSETS)**

Under Variance threshold.

**LOSS ON ASSET DISPOSAL**

Under Variance threshold.

**LESS ALLOCATED TO INFRASTRUCTURE**

Under Variance threshold.

**CAPITAL REVENUE****NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS**

Timing issue. Some road funding grants receipted to July, however budget timing was for receipts as allocated August to December.

**PROCEEDS FROM DISPOSAL OF ASSETS**

Under Variance threshold.

**PROCEEDS FROM NEW LOANS**

Under Variance threshold.

**SELF-SUPPORTING LOAN PRINCIPAL**

Under Variance threshold.

**TRANSFER FROM RESERVES (RESTRICTED ASSETS)**

Under Variance threshold.

**CAPITAL EXPENSES****CAPITAL EXPENDITURE**

Timing issue. Minimal capital projects commenced in July.

**REPAYMENT OF LOANS**

Under Variance threshold.

**TRANSFER TO RESERVES (RESTRICTED ASSETS)**

Only minor transfer to or from reserves to municipal funds done for this year.

**OTHER ITEMS****RATE REVENUE**

Actual rates billed higher than budgeted rates income. This is due to the timing difference between budget preparation of rates income (April) and actual billing (end of July). During that time period, some properties will change in the rates that are billed, for example, once a house is completed construction, the rates category changes, resulting in an increase in revenue.

**OPENING FUNDING SURPLUS (DEFICIT)**

Under Variance threshold.

**POLICY IMPLICATIONS**

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

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
-----------------------------------	----------------------

**4.2: FINANCIAL ACTIVITY STATEMENT – 31 JULY 2012**

**Responsible Officer** : Executive Director Corporate Services (G Adams)

**IN BRIEF**

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 July 2012.

**ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION**

**The Financial Activity Statement for the period ending 31 July 2012 be RECEIVED.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 July 2012 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

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

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

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
-------------	-----------------------------

## 6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 JULY 2012

	Actual Year to Date 31-Jul-12	Current Budget Year to Date 31-Jul-12	Current Budget vs Actual Variance	
<b>REVENUE</b>				*
Operating Grants & Subsidies	909	8,990	-8,081	X
Fees and Charges	5,609,760	5,647,129	-37,369	X
Contributions, Donations & Reimbursements	53,997	45,838	8,159	√
Interest Earnings	14,785	63,953	-49,168	X
Other Revenue	813	5,415	-4,602	X
	<b>5,680,265</b>	<b>5,771,325</b>	<b>-91,060</b>	
<b>EXPENDITURE</b>				
Employee Costs	1,363,419	1,555,310	-191,891	√
Materials and Contracts	330,835	1,113,045	-782,210	√
Utility Charges	192,270	140,805	51,465	X
Interest Expenses	(21,737)	75,756	-97,493	√
Insurance Expenses	0	60,159	-60,159	√
Other Expenditure	55,791	85,660	-29,869	√
Depreciation	984,012	984,012	0	X
Loss on Sale of Assets	0	22,412	-22,412	√
Less Allocated to Infrastructure	(25,871)	(38,999)	13,128	√
	<b>2,878,719</b>	<b>3,998,160</b>	<b>-1,119,441</b>	
<b>Adjustment for Non-cash Revenue and Expenditure:</b>				
Write Back Non Cash Items	984,012	984,012	0	
Adjust (Profit)/Loss on Asset Disposal	0	22,412	-22,412	
<b>Net Operating Excluding Rates</b>	<b>3,785,558</b>	<b>2,779,589</b>		
<b>CAPITAL REVENUE</b>				
Non-Operating Grants, Subsidies and Cont	948,224	293,709	654,515	√
Proceeds from asset disposals	961	145,201	-144,240	X
Proceeds from New Loans	0	0	0	
Self-Supporting Loan Principal Revenue	0	0	0	
Transfers from Reserves (Restricted Assets)	0	462,066	-462,066	X
	<b>949,185</b>	<b>900,976</b>	<b>48,209</b>	
<b>CAPITAL EXPENDITURE</b>				
Capital Expenditure	604,112	1,310,230	-706,118	√
Repayment of Loans	16,200	65,525	-49,325	√
Transfers to Reserves (Restricted Assets)	0	253,650	-253,650	√
	<b>620,312</b>	<b>1,629,405</b>	<b>-1,009,093</b>	
<b>Net Capital</b>	<b>328,872</b>	<b>(728,429)</b>	1,057,301	
<b>Total Net Operating + Capital</b>	<b>4,114,431</b>	<b>2,051,160</b>	2,063,271	
Rates Revenue	27,274,581	27,222,849	51,732	
Restricted Cash Funds - Grants	0	0	0	
Opening Funding Surplus (Deficit)	2,589,920	2,589,920	0	
<b>Closing Funding Surplus (Deficit)</b>	<b>33,978,932</b>	<b>31,863,929</b>	<b>2,115,003</b>	

\* √ Is higher than expected revenue or lower than expected expenditure

\* X is lower than expected revenue and higher than expected Expenditure



**7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 31 JULY 2012**

	<b>Actual 31-Jul-12</b>
<b>NET CURRENT ASSETS</b>	
Composition of Net Current Asset Position	
<b>CURRENT ASSETS</b>	
Cash - Unrestricted	10,362,732
Cash - Restricted	5,334,856
Receivables	38,052,035
Inventories	2,343,681
<b>Total Current Assets</b>	<b>56,093,304</b>
<b>LESS: CURRENT LIABILITIES</b>	
Payables and Provisions	6,311,333
	<b>49,781,971</b>
Less: Cash - Restricted - Trust	(985,739)
Less: Cash - Restricted - Reserves	(4,349,117)
<b>NET CURRENT ASSET POSITION</b>	<b>44,447,115</b>
<b>NET CURRENT ASSETS PER BALANCE SHEET</b>	48,081,815
	<hr/>
<b>Difference</b>	<b>3,634,700</b>
	<hr/> <hr/>
<b>Difference Represented by:</b>	
Restricted Cash (Trust)	985,739
Reserve Funds - Financial Assets	182,510
Reserve Funds - Other	4,166,607
Self Supporting Loans (part of Receivables and Other)	0
	<hr/>
	<b>5,334,856</b>
<b>Less:</b>	
Borrowings	770,406
Trust Liabilities	929,750
	<hr/>
<b>Difference</b>	<b>3,634,700</b>
	<hr/> <hr/>

**8. CITY OF ALBANY– STATEMENT OF FINANCIAL POSITION–AS AT 31 JULY 2012**

	<b>Actual 31-Jul-12</b>
<b>CURRENT ASSETS</b>	
Cash - Municipal	10,362,732
Restricted cash (Trust)	985,739
Reserve Funds - Financial Assets	182,510
Reserve Funds - Other	4,166,607
Receivables & Other	38,052,034
Investment Land	1,681,028
Stock on hand	662,653
	<b>56,093,304</b>
<b>CURRENT LIABILITIES</b>	
Borrowings	770,406
Creditors prov - Annual leave & LSL	2,354,112
Trust Liabilities	929,750
Creditors prov & accruals	3,957,221
	<b>8,011,489</b>
<b>NET CURRENT ASSETS</b>	<b>48,081,815</b>
<b>NON CURRENT ASSETS</b>	
Receivables	12,989
Pensioners Deferred Rates	383,302
Investment Land	4,509,155
Property, Plant & Equip	76,387,824
Infrastructure Assets	181,760,049
Local Govt House Shares	19,501
	<b>263,072,819</b>
<b>NON CURRENT LIABILITIES</b>	
Borrowings	16,639,788
Creditors & Provisions	464,911
	<b>17,104,699</b>
<b>NET ASSETS</b>	<b>294,049,935</b>
<b>EQUITY</b>	
Accumulated Surplus	270,226,147
Reserves	5,049,154
Asset revaluation Reserve	18,774,634
	<b>294,049,935</b>

**9. STATEMENT OF COMPREHENSIVE INCOME (BY NATURE OR TYPE) –  
AS AT 31 JULY 2012**

NATURE / TYPE	YTD Actual 2012/13	Budget-Total 2012/13
<b>INCOME</b>		
Rates	27,274,581	25,619,665
Grants & Subsidies	909	2,710,582
Contributions. Reimb & Donations	53,997	349,697
Fees & Charges	5,609,760	13,327,249
Service Charges	0	0
Interest Earned	14,785	697,000
Other Revenue / Income	813	617,625
	<b>32,954,846</b>	<b>43,321,818</b>
<b>EXPENDITURE</b>		
Employee Costs	1,337,548	16,948,783
Utilities	192,270	1,319,732
Interest Expenses	(21,737)	1,042,761
Depreciation on non current assets	984,012	11,817,938
Contracts & materials	330,835	12,973,799
Insurance expenses	0	584,845
Other Expenses	55,791	223,994
	<b>2,878,719</b>	<b>44,911,852</b>
<b>Change in net assets from operations</b>	<b>30,076,128</b>	<b>(1,590,034)</b>
Grants and Subsidies - non-operating	911,607	6,770,372
Contributions Reimbursements and Donations - non-operating	36,617	3,148,907
Profit/Loss on Asset Disposals	961	(905,815)
Cash Backing of Reserves	0	718,230
Fair value - Investments adjustment	0	0
	<b>31,025,313</b>	<b>8,141,660</b>

## 10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 31 JULY 2012

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value May-12	Market Value Jun-12	Market Value Jul-12	Latest Monthly Variation
<b>MUNICIPAL ACCOUNT</b>							
CBA	6/06/2012	1,000,000	4.70%	1,000,000			
CBA	6/06/2012	2,000,000	4.70%	2,000,000			
CBA	6/07/2012	2,000,000	4.70%		2,000,000		
CBA	8/08/2012	2,000,000	4.48%			2,000,000	
NAB	3/06/2012	1,000,000	4.25%	1,000,000			
NAB	31/07/2012	1,000,078	4.25%		1,000,078	1,000,078	
NAB	3/06/2012	2,000,000	4.25%	2,000,000			
ANZ	2/06/2012	3,000,000	4.39%	3,000,000			
ANZ	3/07/2012	3,000,000	4.00%		3,000,000		
ANZ	2/08/2012	3,000,000	4.00%			3,000,000	
BENDIGO	5/06/2012	1,000,000	4.70%	1,000,000			
BANKWEST	7/06/2012	2,000,000	4.45%	2,000,000			
BANKWEST	8/07/2012	2,000,000	4.45%		2,000,000		
BANKWEST	7/08/2012	2,000,000	4.20%			2,000,000	
				<b>12,000,000</b>	<b>8,000,078</b>	<b>8,000,078</b>	n/a
<b>RESERVES ACCOUNT</b>							
No funds currently invested							
				0	0	0	
				<b>0</b>	<b>0</b>	<b>0</b>	n/a
<b>COMMERCIAL SECURITIES - CDOs (New York Mellon)**</b>							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	0	0	0	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	0	0	0	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	0	0	0	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	0	0	0	0
		<b>2,118,046</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**ITEM 4.2**

\*\*REFER DISCLAIMER\*\*

<b>Security</b>	<b>Maturity Date</b>	<b>Security Cost (Incl accrued interest)</b>	<b>Current Interest %</b>	<b>Market Value May-12</b>	<b>Market Value Jun-12</b>	<b>Market Value Jul-12</b>	<b>Latest Monthly Variation</b>
<b>COMMERCIAL SECURITIES - CDOs – Other**</b>							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	0	0	0	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	0	0	0	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	0	0	0	0
		<b>1,324,656</b>		<b>68,750</b>	<b>68,750</b>	<b>68,750</b>	<b>0</b>
<b>PORTFOLIO TOTAL</b>				<b>12,068,750</b>	<b>8,068,828</b>	<b>8,068,828</b>	<b>0</b>

\*\*These figures are based on previous valuations. However, at the time of reporting, CDO portfolio was in the process of being revalued.

**11. FINANCIAL RATIOS - AS AT 31 JULY 2012**

CITY OF ALBANY FINANCIAL RATIOS		30-Jun-11	30-Jun-12	31-Jul-12	Benchmark
<b>Liquidity Ratios</b>					
	Current Ratio <sup>1</sup>	81.3%	285.0%	716.8%	>100%
	Untied Cash to trade creditors Ratio <sup>2</sup>	273.6%	578.1%	917.6%	>100%
<b>Financial Position Ratio</b>					
	Debt Ratio <sup>3</sup>	9.8%	8.6%	7.9%	<100%
<b>Debt Ratios</b>					
	Debt Service Ratio <sup>4</sup>	9.0%	17.5%	0.0%	<10%
	Gross Debt to Revenue Ratio <sup>5</sup>	46.7%	29.0%	40.7%	<60%
	Gross Debt to Economically Realisable Assets <sup>6</sup>	22.6%	13.6%	10.2%	<30%
<b>Coverage Ratio</b>					
	Rate Coverage Ratio <sup>7</sup>	46.0%	55.0%	82.9%	>33%
<b>Effectiveness Ratio</b>					
	Outstanding Rates Ratio <sup>8</sup>	3.3%	3.0%	128.1%	<5%

1. This ratio focuses on the liquidity position of a local government.
2. This ratio provides an indication of whether a local government has sufficient unrestricted cash to pay its trade creditors.
3. The ratio is a measure of total liabilities to total assets or alternatively the number of times total liabilities are covered by the total assets of a local government. The lower the ratio of total liabilities to total assets, the stronger is the financial position of the local government.
4. This ratio measures a local government's ability to service debt (principal and interest) out of its available operating revenue.
5. This ratio measures a local government's ability to service debt in any given year out of total revenue.
6. This ratio provides a measure of whether a local government has sufficient realisable assets to cover its total borrowings.
7. The Coverage Ratio measures the local government's dependence on rate revenue to fund its operations. The higher the ratio, the less dependent a local government is on grants and external sources to fund its operations.
8. The Effectiveness Ratio measures the effectiveness of a local government with the collection of its rates. This is very high at the moment as rates have just been billed, but no payments received at the time of the report.

**STATUTORY IMPLICATIONS**

12. *Section 34 of the Local Government (Financial Management) Regulations 1996 provides:*
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
    - a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
    - b) budget estimates to the end of the month to which the statement relates;
    - c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
    - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - e) the net current assets at the end of the month to which the statement relates.
  - II. Each statement of financial activity is to be accompanied by documents containing –
    - a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
    - b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
    - c) such other supporting information as is considered relevant by the local government.
  - III. The information in a statement of financial activity may be shown –
    - a) according to nature and type classification;
    - b) by program; or
    - c) by business unit
  - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
    - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - (b) recorded in the minutes of the meeting at which it is presented.

**FINANCIAL IMPLICATIONS** *Expenditure for the period ending 31 July 2012 has been incurred in accordance with the 2012/13 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.*

**13. VARIANCES TO BUDGET IN EXCESS OF \$50,000 AS REPORTED IN THE STATEMENT OF FINANCIAL ACTIVITY - AS AT 31 JULY 2012**

**Comments / Reason for Variance**

**OPERATING REVENUE (EXCLUDING RATES)**

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Under Variance threshold

FEES AND CHARGES

Under Variance threshold

CONTRIBUTIONS, DONATIONS & REIMBURSEMENTS

Under Variance threshold

INTEREST EARNINGS

Under Variance threshold

OTHER REVENUE

Under Variance threshold

**OPERATING EXPENSES**

EMPLOYEE COSTS

Employee costs under budget year-to-date, due to year end accrual of wages to 11/12 year.

MATERIAL AND CONTRACTS

No billing received for a number of service contracts for July, the biggest being the waste contract.

UTILITY CHARGES

Street lighting backbill invoiced received. Year-end journal adjustment yet to be made to accrue costs back to 11/12 year.

INTEREST EXPENSES

Variance due to year end adjustments interest accrual to 11/12.

INSURANCE EXPENSES

Budget timing issue. No invoice received to date for insurance costs.

OTHER EXPENDITURE

Under Variance threshold

DEPRECIATION (NON CURRENT ASSETS)

Under Variance threshold

LOSS ON ASSET DISPOSAL

Under Variance threshold

Less Allocated to Infrastructure

Under Variance threshold



**CAPITAL REVENUE****GRANTS, SUBSIDIES AND CONTRIBUTIONS**

Timing issue. Some road funding grants receipted to July, however budget timing was for receipt in August.

**PROCEEDS FROM DISPOSAL OF ASSETS**

Minimal disposal of assets taken place in this year. Only sundry minor plant has been replaced.

**PROCEEDS FROM NEW LOANS**

Under Variance threshold

**SELF-SUPPORTING LOAN PRINCIPAL**

Under Variance threshold

**TRANSFER FROM RESERVES (RESTRICTED ASSETS)**

No transfer to or from reserves to municipal funds done for this year.

**CAPITAL EXPENSES****CAPITAL EXPENDITURE**

Timing issue. Minimal capital projects commenced in July,

**REPAYMENT OF LOANS**

Under Variance threshold

**TRANSFER TO RESERVES (RESTRICTED ASSETS)**

No transfer to or from reserves to municipal funds done for this year.

**OTHER ITEMS****RATE REVENUE**

Actual rates billed higher than budgeted rates income. This is due to the timing difference between budget preparation of rates income (April) and actual billing (end of July). During that time period, some properties will change in the rates that are billed, for example, once a house is completed construction, the rates category changes, resulting in an increase in revenue.

**OPENING FUNDING SURPLUS (DEFICIT)**

Under Variance threshold

**POLICY IMPLICATIONS**

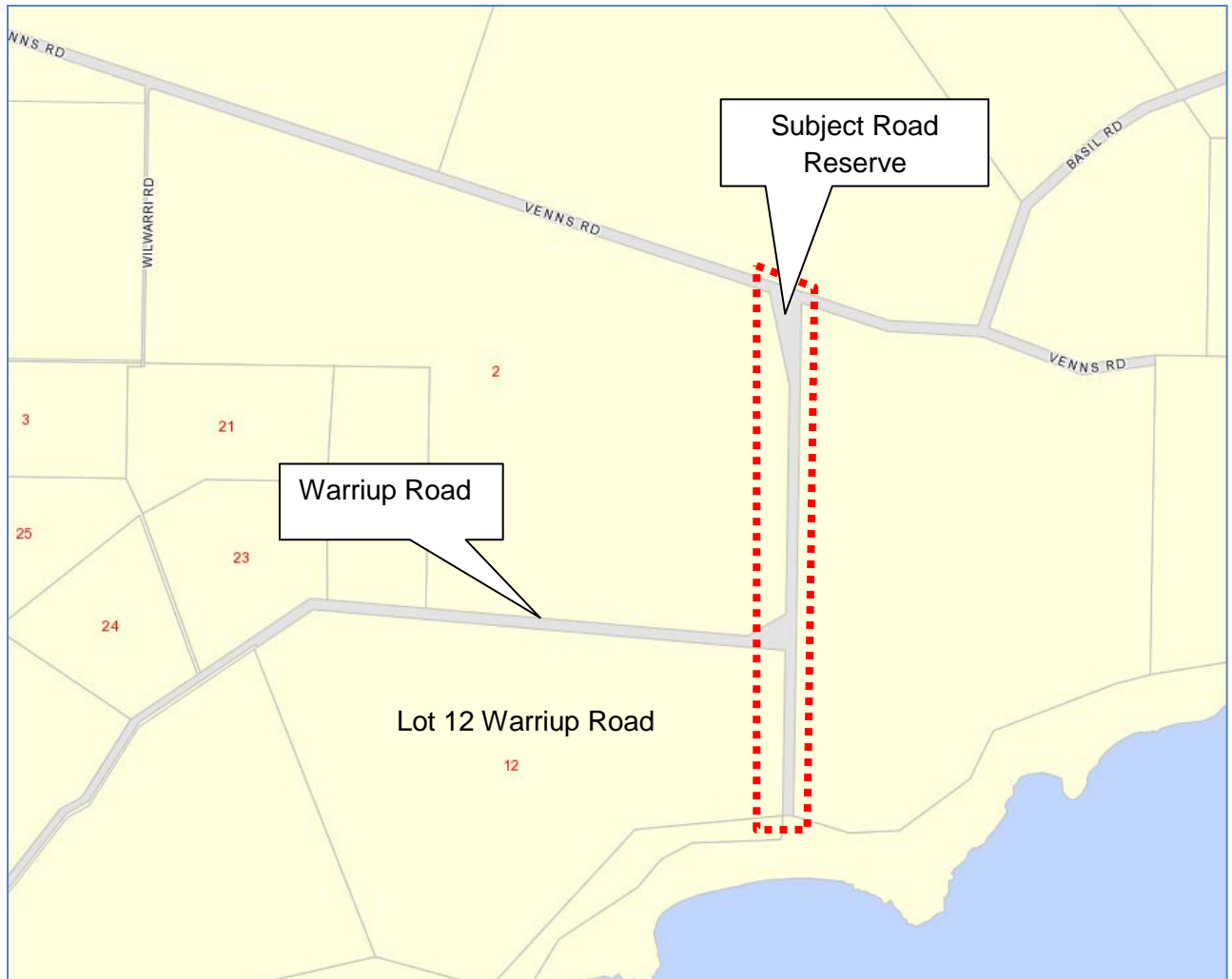
14. The City's 2012/13 Annual Budget provides a set of parameters that guides the City's financial practices.
15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b> FM.FIR.2 - All Wards
--

**4.3: TEMPORARY CLOSURE OF PORTION OF WARRIUP ROAD (OFF  
VENNS ROAD), METTLER**

<b>Land Description</b>	: Warriup Road, Mettler
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: State of WA
<b>Responsible Officer(s)</b>	: Executive Director Corporate Services (G Adams)

**Maps and Diagrams:**



**IN BRIEF**

- In June 2005, Council resolved to temporarily close portion of Warriup Road at the intersection of Venns Road by installing a lockable gate, with access being restricted to service providers, bushfire brigades and adjoining owners. This closure order expired in June 2009. Council is requested to consider reinstating the temporary closure order over portion of Warriup Road intersecting with Venns Road, Mettler.

**ITEM 4.3: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**  
**SECONDED: COUNCILLOR GREGSON**

**THAT Council:**

- i) **REINSTATE** the temporary road closure order, pursuant to section 3.50 of the *Local Government Act 1995*, for the extension of Warriup Road where it intersects with Venns Road, without the need for public notice pursuant to section 3.50A of the *Local Government Act 1995*;
- ii) **AGREES** that the lockable fire gate at the intersection of Warriup and Venns Road remain in place, with key access being provided to service providers, bushfire brigades and adjoining owners;
- iii) **AGREES** that this temporary closure order will remain in place for an undefined period of time until such time as the resources are made available to consider the broader issue of public access to coastal areas in a manner which considers impact on private landowners and where the natural environment can be protected;
- iv) **ADVISE** all persons having recently made a submission on the public call for expressions of interest of this resolution.

**CARRIED 12-0**

**BACKGROUND**

1. At its meeting held on 21 June 2005, Council considered two requests from residents to close the unmade road reserve which is the extension of Warriup Road, intersecting with Venns Road. This was a renewal of previous temporary closure orders that had been granted, but had expired.
2. The temporary closure was sought because adjoining owners had experienced problems with people leaving the road reserve to access the coast line and trespassing through their properties, cutting tracks and causing damage to their fences and land.
3. Council supported the request to temporarily close this road reserve, with a lockable gate being installed at the intersection of Warriup Road and Venns Road, and key access being restricted to service providers, bushfire brigades and adjoining landowners.
4. In recent months, the City was approached by a ratepayer, who is a member of the local Noongar community, who was interested in accessing this lockable gate, in order to then pass through Lot 12 Warriup Road. The ratepayer advised they had a private arrangement with the owners of Lot 12 Warriup Road to pass through their land to access traditional fishing grounds along the coast.
5. It was the decision of the (previous) Chief Executive Officer to consider providing key access to this ratepayer; however an expression of interest from other members of the public was called through an advertisement in the local newspaper, to ensure that the City was being fair and equitable to all people who may wish to access this area.

**\*\*REFER DISCLAIMER\*\***

6. The result of this call for expressions of interest was one member of the public supporting greater access to the coastline and eighteen (18) submissions against the proposal. Of these submissions received, all of the adjoining and nearby owners in the vicinity of the subject road reserve objected to the proposal to allow access to this land.
7. Many of the objections received raised significant concerns about allowing access to this road or any action to construct the road, on the following basis:
  - a. It will invite people to trespass on private property and potentially lead to an increase of damage to fence lines and private land;
  - b. This is a fragile and significant environmental area and uncontrolled access will have a damaging impact on the values of the area, causing erosion, loss of threatened species, spread of dieback etc; and
  - c. This is a rugged stretch of coast line and uncontrolled access to the land may be damaging to the limestone cliffs and sand dunes, as well as being potentially dangerous for members of the public accessing the land.
8. One of the objections received was from the owners of Lot 12 Warriup Road, who advised that while they had given keys to people in the past; this had encouraged unauthorised access, which resulted in significant damage to their property. These owners verbally advised that they no longer wished people to have keys to their property, as the arrangement was causing damage to their land and the adjoining coastal environment.

## **DISCUSSION**

9. The request by one ratepayer to allow access to the locked gate was considered on the basis that they had an arrangement with the owners of Lot 12 Warriup Road, however in view of the significant negative reaction received during the call for expressions of interest, it is considered that the best option at the present time is to continue restricting public access to this road reserve.
10. It is noted that the subject road reserve does lead directly to the coastal reserves, however the terrain in this area is steep and it leads to cliffs which are difficult to traverse. The tracks through Lot 12 Warriup Road provide an easier option for vehicular access to the coast. It is not considered that allowing direct access from the subject road reserve to the coast line is feasible without considering and controlling the potential erosion and safety impacts.
11. It is noted that this road reserve is the only public road leading to the coast over a 17km stretch of land. As such, it is not considered appropriate to close the road permanently at this time.
12. Over the longer term, the City will need to consider access to coastal areas generally, however it is recommended that this be done in a coordinated and thorough manner, considering the fragile natural environment and the best means to control public access to ensure safety for users, protection of adjoining landowners, minimising impacts on the natural environment etc.

13. This study on coastal access needs to occur when Council decides it is a priority and this is reflected in a budget allocation being provided to undertake the study and then to construct the public access.

#### **GOVERNMENT CONSULTATION**

14. No government agency has been consulted on this matter. It is not proposed to alter the current arrangements for servicing authorities to access this lockable gate if needed. As such, there is no other requirement to consult with other government agencies.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

15. Expressions of interest to access this temporarily closed road were called from the general public via an advertisement in the local newspaper, which resulted in the significant negative reaction to the proposal.
16. Section 3.50 of the *Local Government Act 1995* states that a road may only be temporarily closed for a period of longer than 4 weeks if public notice has first been given.
17. Section 3.50A of the *Local Government Act 1995* states that a local government may temporarily close a road without giving local public notice if the closure is unlikely to have a significant adverse effect on users of the thoroughfare.
18. From the appearance of this closed road, the land is not being regularly used as a means of vehicular access, as much of the vegetation in the area has regrown. In addition, the adjoining and nearby owners support the continuation of the closed status of this road.
19. In view of the fact that this closed road is:
  - a. Not being used often (if at all);
  - b. It remains unconstructed and largely untrafficable;
  - c. Majority of the nearby and adjoining owners oppose the re-opening of this road reserve; and
  - d. Access to this lockable gate will be retained for servicing authorities, bushfire brigades and adjoining landowners;

it is not considered that further public notice is necessary and that clause 3.50A of the *Local Government Act 1995* would apply to this situation.

#### **STATUTORY IMPLICATIONS**

20. Section 3.50 of the *Local Government Act 1995* states that a local government may close any thoroughfares to the passage of vehicles for a period of up to 4 weeks. Approval for a period of longer than 4 weeks may only be granted once public notice has been given.
21. Section 3.50A of the *Local Government Act 1995* states that a road may be temporarily closed for a period of longer than 4 weeks without giving public notice, if it is unlikely to have a significant adverse effect on users of the thoroughfare.

22. Section 3.50 of the *Local Government Act 1995* previously had a conditional clause (3) which stated that the temporary closure order could not be granted for longer than 4 years, though that would not prevent the making of another order that continues the closure at the expiry of the term. This requirement was in place at the time of Council making its previous resolution in June 2005; however this clause 3.50(3) restricting the term to 4 years has since been deleted from the *Local Government Act 1995*. As such, should Council support the reinstatement of the temporary closure, it will do so without an expiry date.

### STRATEGIC IMPLICATIONS

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

**Key Focus Area**

*Organisational Performance*

**Community Priority**

*Policy and Procedures*

**Proposed Strategies**

*Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

### POLICY IMPLICATIONS

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

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not support the reinstatement of the temporary closure order, meaning the road reserve would be opened to public access in an uncontrolled manner.</i>	<i>Possible</i>	<i>Moderate – environmental concerns, negative public reactions, potential public safety issues.</i>	<i>Medium</i>	<i>Support the temporary closure request and maintain the status quo, with a lockable fire gate access at the intersection of Venns and Warriup Roads.</i>

### FINANCIAL IMPLICATIONS

26. There are no financial implications relevant to this item, however it is noted that should Council wish to review the issue of public access to coastal areas at some point in the future, an appropriate budget allocation needs to be provided to allow this study to occur.

**LEGAL IMPLICATIONS**

27. The reinstatement of the temporary closure order for portion of Warriup Road, intersecting with Venns Road, will legitimise the physical restrictions to public access that currently exist in this location, despite the previous closure order now having lapsed.

**ALTERNATE OPTIONS**

28. Council may:
- a. Support the recommendation to reinstate the temporary closure order for the portion of Warriup Road intersecting with Venns Road, for an unspecified period and until such time as a more detailed investigation of public access to coastal areas in this location can be undertaken; or
  - b. Allow public access to the road reserve, either through removing the existing fire gate or providing access to this lockable gate.

**SUMMARY CONCLUSION**

29. Council has previously resolved to temporarily close the unmade road reserve, being the extension of Warriup Road where it intersects with Venns Road, at the request of adjoining and nearby owners in response to their concerns regarding trespass, property damage and environmental degradation. In view of the negative public reaction to the recent call for expressions of interest to access the unmade road reserve, it is considered prudent to reinstate this temporary closure order until such time as Council can investigate the broader issue of access to coastal areas in a controlled and safe way.

<b>Consulted References</b>	:	Local Government Act 1995
<b>File Number (Name of Ward)</b>	:	RD.RDO.1
<b>Previous Reference</b>	:	OCM 21/06/2005 Item 13.3.6



**4.4: EXTENSION AND VARIATION OF LEASE – THE NAVY LEAGUE OF AUSTRALIA – RESERVE 35137, ALBANY**

<b>Land Description</b>	: Crown Reserve 35137 and being Lot 1305 on Deposited Plan 182455 and the whole of land contained in Certificate of Title Volume LR3009 Folio 600 and being Lot 1323 on Deposited Plan 183114 and the whole of the land contained in Certificate of Title Volume LR3009 Folio 720
<b>Proponent</b>	: The Navy League of Australia
<b>Owner</b>	: Crown
<b>Attachment(s)</b>	: Nil
<b>Responsible Officer</b>	: Executive Director Corporate Services (G Adams)
<b>Maps and Diagrams</b>	



**IN BRIEF**

- Council is requested to consider the option to renew the lease for a further 11 year term and the lease variation to amend the rental method from a market valuation to a peppercorn rent for the existing Community Lessee, The Navy League of Australia.
- This request is subject to Council endorsement of the revised Property Management – Leases and Licences Policy being considered as a separate Item 1.1 in this agenda.

**RECOMMENDATION**

**ITEM 4.4: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR SUTTON**

**THAT Council APPROVE the extension and variation of lease for The Navy League of Australia over portion of Crown Reserve 35137 and being Lot 1305 on Deposited Plan 182455 and Lot 1323 on Deposited Plan 183114 subject to:**

- 1. Lease extension term being 11 years commencing 1 March 2012.**
- 2. Lease rental being a peppercorn rate of \$10.00 plus GST per annum.**
- 3. All costs associated with the preparation, execution and completion of the Deed of Extension and Variation to be payable by the Lessee, The Navy League of Australia.**
- 4. All costs associated with the ongoing operations and maintenance of the leased property to be payable by the Lessee.**
- 5. Deed of Extension and Variation of Lease being consistent with Council Policy – Property Management – Leases and Licences.**

**CARRIED 12-0**

**BACKGROUND**

1. Crown Reserve 35137 is under a Management Order H663291 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Sea Cadets” for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. The existing lease area of approximately 1124 square metres over Crown Reserve 35137 is located at 1A Parade Street, Albany adjacent the Amity Heritage Precinct.
3. In March 1981 a lease was entered into between the former Town of Albany and The Navy League of Australia, for a period of 21 years with an annual rental of \$3,100. The lease provided that the Town had the right to review the annual rental by market valuation every three years.
4. This lease expired on 28 February 2002 and a new lease was entered into on 1 March 2002 for a period of ten years, with an option for a further 11 year term. Annual rent was valued at \$1,404.00 per annum by a Certified Valuer at that time.
5. Lease rental reviews have been conducted every three years by a Certified Valuer, with current rent being valued at \$1,700.00 plus GST per annum.
6. The City of Albany provided community financial assistance to eligible community groups upon application for a range of community purposes, including rental and rate assistance.

7. The Navy League of Australia received annual community financial assistance from the City to assist with the payment of the annual rent for the leased property.
8. In 2010, Council placed a moratorium on community financial assistance for the 2010/2011 and 2011/2012 financial years, due to financial constraints. This moratorium is currently under review.
9. As the lease agreement provided for an option for a further 11 year term commencing 1 March 2012, the City wrote to the Navy League requesting their intention with regards to exercising the option for the further term.
10. The Navy League has validly exercised its option for a further term. The League has further advised that the moratorium on the availability of community financial has placed a financial burden on them to meet rental costs of \$1,700.00 plus GST per annum.
11. It is noted that the rental method of market valuation applied to the Community Lessee, The Navy League highlights the current inconsistency and inequity between community group leases.
12. The Navy League is keen to progress the extension of lease to continue to provide activities associated with Navy Cadets.
13. However the League seeks to vary the lease to amend the rental method applied from market valuation to peppercorn rent of \$10.00 plus GST. This would assist to alleviate the financial burden placed on the League due to the moratorium on the City's community financial assistance program.
14. Taking into consideration the League's comments regarding the lease rent and that the Property Management – Leases and Licences Policy was in the process of being reviewed with likely implications for Community Lessees, the Chief Executive Officer instructed that all community group requests for new leases and extensions be placed on hold pending the finalisation of the policy review and subsequent endorsement by Council.
15. The League continues to occupy the leased property on a holding over basis as a month to month tenant. The conditions of the tenancy preserve the terms and conditions of the lease, except in respect of the term of the lease.
16. The revised Council Policy Property Management – Leases and Licences is being submitted by the Audit and Finance Committee to this OCM 18.09.2012 as a separate Item 1.1 in the agenda. The Audit and Finance Committee recommendation being that the finalised Property Management – Leases and Licences Policy be endorsed by Council.
17. The revised Council Leases and Licences Policy provides that rent for Community groups, such as The Navy League of Australia, leasing land for community purposes be a peppercorn rent of \$10.00 plus GST per annum.

18. The Navy League of Australia has constructed and maintains all of the buildings and infrastructure located on the leased property on Crown Reserve 35137, at no cost to Council.
19. The Navy League of Australia has indicated that the Commonwealth of Australia as represented by the Department of Defence has expressed an interest in sub-leasing the property to provide assistance to the League.

#### **DISCUSSION**

20. The Navy League of Australia, a not for profit organisation, provides social and educational welfare of youth to help develop them in character, a sense of patriotism, self-reliance, citizenship and discipline.
21. The training syllabus includes seamanship, boat handling – sail and power, navigation, physical training, rifle shooting, signalling, rope splicing, general sporting activities and a variety of other subjects. Instructional camps are arranged for Navy Cadets.
22. If Navy Cadets are interested in pursuing a maritime career, then they are given every assistance to join the Royal Australian Navy, Mercantile Marine or such other maritime career they choose.
23. The Albany branch of The Navy League of Australia is also commonly referred to as the TS Vancouver Navy Cadets.
24. The finalised policy provides that the rent for Community groups, such as The Navy League of Australia, leasing land for community purposes will be peppercorn rent of \$10.00 plus GST per annum.
25. The Lessee has committed to meeting all costs associated with the Deed of Extension and Variation of Lease.

#### **GOVERNMENT CONSULTATION**

26. Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted. Minister for Land's consent will be sought for the proposed Deed of Extension and Variation of Lease on Crown Reserve 35137.
27. As the lease extension and variation proposal does not refer to land works or changes to the land title there are no *Native Title Act 1993* and the *Aboriginal Heritage Act 1972* implications.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

28. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks;

- b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes; and
  - c. A local government can then proceed with the lease.
29. Section 30 of the *Local Government (Functions & General) Regulations 1996* defines the dispositions to which the advertising requirements of section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) *The land is disposed of to a body, whether incorporated or not -*
    - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
    - (ii) *the members of which is not entitled or permitted to receive any pecuniary profit from the body's transactions;*
30. The Navy League of Australia is a community group, and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

### **STATUTORY IMPLICATIONS**

31. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
32. As this is Crown land, under Management Order H633291 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Sea Cadets", Minister for Land's consent will be required.
33. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
34. Section 5.42 of the *Local Government Act 1995* enables Council to delegate some powers and duties to the Chief Executive Officer to facilitate the many services it provides to the community. At OCM 14.12.2010 Item 4.3.15 Council delegated to the CEO the authority to APPROVE requests to take up a lease option on a current lease or sub-lease, subject to there being no variation to the lease. Given the request is for an extension and variation of lease this matter is referred to Council for consideration.
35. Under the City's Town Planning Scheme 1A, the subject land is reserved as "Club's and Institutions". The Navy League activities are an approved use in accordance with the Scheme.

## **STRATEGIC IMPLICATIONS**

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

**Key Focus Area**

- *Organisational Performance.*

**Community Priority**

- *Policy and Procedures.*

**Proposed Strategies**

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

## **POLICY IMPLICATIONS**

37. Council adopted a Property Management – Leases Policy in 2008. A revised Property Management – Leases and Licences Policy has been recommended for endorsement under a separate Agenda Item 1.1 to this Council meeting by the Audit and Finance Committee.

38. This Policy aims to ensure that all requests for leases/licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.

39. The Policy section relevant to this category of Community lease – requires the following:

- Rent for Community groups leasing land for community purposes will be a peppercorn rent of \$10.00 plus GST per annum.
- Lessee must be an Incorporated body and a copy of their Articles of Association/Constitution be provided.
- Lease to be for a term not greater than 21 years.
- Rental/Sublease agreements must be approved by the Landlord.
- Lessee must have appropriate insurance pertaining to their particular activities, as a minimum, and
- Lessee will be responsible for all maintenance of the leased property at the Lessee's costs.

40. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<i>Variation of lease – rental method varied to peppercorn not approved</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council propose an alternate method to assist this organisation on a financial level.</i>  <i>Liaise with Lessee to gain agreement on rental.</i>
<i>Variation of lease – rental method varied to peppercorn not approved – reputational loss to City</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Liaise with Lessee to gain agreement on rental.</i>

**FINANCIAL IMPLICATIONS**

42. All costs associated with the preparation, execution and completion of the Deed of Extension and Variation of Lease documentation will be payable by the Lessee.
43. The lease rental will be a peppercorn rent of \$10.00 plus GST per annum.
44. The rental will be directed to COA 190430 Income – Other Leases.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

45. Council has the following options in relation to this item:
- a. Approve the extension and variation of lease.
  - b. Decline the request.
46. Council is bound to accept any request to exercise option for a further lease term provided the Lessee has:
- a. Exercised the option in the manner and timeframe specified in the lease; and
  - b. Complied with terms and conditions under the lease during the lease term.
47. The Navy League has validly exercised its option for a further term and complied with all lease obligations.
48. Should Council decline the variation of lease to amend the rental method from market rental to a peppercorn rent, the League will have to consider other options to assist with the payment of lease rent.

**SUMMARY CONCLUSION**

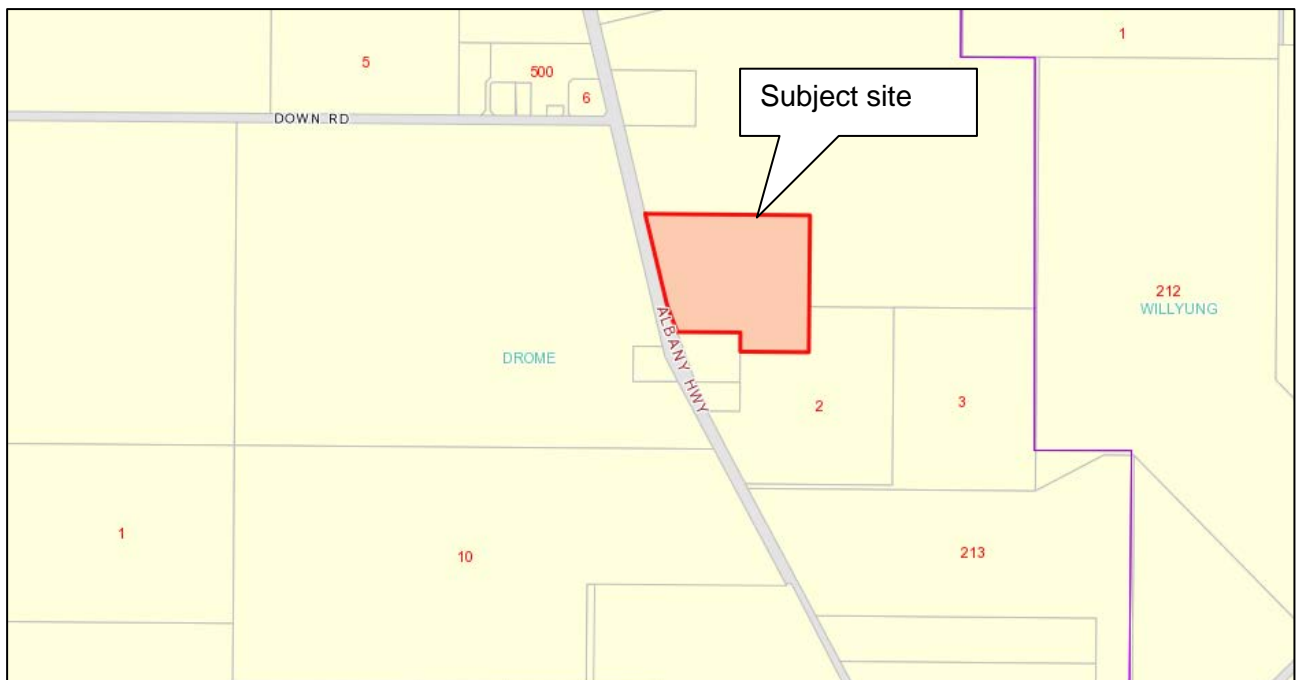
49. The Navy League of Australia has validly exercised its option for a further 11 year term.
50. The Navy League of Australia is seeking to vary the lease to amend the rental method from market valuation to a peppercorn rent of \$10.00 plus GST per annum.
51. The request for an extension and variation of lease in line with Council Policy – Property Management – Leases and Licences is supported.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Council Policy – Property Management – Leases and Licences</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Land Administration Act 1997</i></li></ul>
<b>File Number (Name of Ward)</b>	PRO072, A96429 (Frederickstown Ward)
<b>Previous Reference</b>	OCM 18.09.2001 Item 12.2.3



**4.5: EXTENSION AND VARIATION OF LEASE – APEX CLUB OF ALBANY INC. – RESERVE 1948, DROME**

<b>Land Description</b>	: Crown Reserve 1948 and being Lot 8075 on Plan 160500 and the whole of land contained in Certificate of Title Volume LR3118 Folio 600, Drome
<b>Proponent</b>	: Apex Club of Albany Inc.
<b>Owner</b>	: Crown
<b>Attachment(s)</b>	: Nil
<b>Responsible Officer</b>	: Executive Director Corporate Services (G Adams)
<b>Maps and Diagrams</b>	



**IN BRIEF**

- Council is requested to consider the option to renew the lease for a further five year term and the lease variation to amend the rental method from minimum rate to peppercorn rent for the existing Community Lessee, Apex Club of Albany Inc.
- This request is subject to Council endorsement of the revised Property Management – Leases and Licences Policy being considered as a separate Item 1.1 in this agenda.

**RECOMMENDATION**

**ITEM 4.5: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**

**SECONDED: COUNCILLOR BOWLES**

**THAT Council APPROVE the extension and variation of lease for Apex Club of Albany Inc. over portion of Crown Reserve 1948 and being Lot 8075 on Deposited Plan 160500, subject to:**

- 1. Lease extension term being 5 years commencing 1 November 2011.**
- 2. Lease rental being a peppercorn rate of \$10.00 plus GST per annum.**
- 3. All costs associated with the preparation, execution and completion of the Deed of Extension and Variation of Lease to be payable by the Lessee, Apex Club of Albany.**
- 4. All costs associated with the ongoing operations and maintenance of the leased property to be payable by the Lessee.**
- 5. Deed of Extension and Variation of Lease being consistent with Council Policy – Property Management – Leases and Licences.**

**CARRIED 12-0**

**BACKGROUND**

1. Crown Reserve 1948 is under a Management Order H523021 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Recreation and State Emergency Service Radio Facility” for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. The existing lease area of approximately 36.99 hectares over Crown Reserve 1948 is located at Lot 8075 Albany Highway, Drome and is located north of the Albany Regional Airport.
3. Reserve 1948, also known as “Apex Acres” is currently being leased to Albany Apex Club Inc. for the purpose of cattle grazing, as a source of fund raising. The State Emergency Services local radio network transmitter aerial is also located within the reserve.
4. The Albany Apex Club have been utilising Crown Reserve 1948 since the early 1960’s under an informal arrangement which allowed the Club to graze horses and cattle on the reserve during the holding of the annual Manypeaks Rodeo.
5. This arrangement was varied in the early 1980’s to allow the Club to graze cattle, which are subsequently sold, with the proceeds helping to finance their many community projects. An annual peppercorn rental of \$10.00 plus GST was applied at that time.

6. Following the City being issued with a management order over Crown Reserve 1948 with the power to lease from the former Department of Land Administration a lease was formalised with the Club.
7. At the Ordinary Council Meeting 18 September 2001 Council granted a new lease to the Apex Club of Albany Inc. for a term of ten years commencing 1 November 2001, with an option for a further five year term commencing 1 November 2011. The rental method being the equivalent to minimum rate was applied.
8. It was considered advantageous to Council for the Club to continue grazing on the reserve to prevent fire hazards, and for the Club to be responsible for firebreaks, fencing and fence maintenance on the reserve, at no cost to Council.
9. In 2008 the Club was given Landlord and Local Authority permission to erect an 8 x 5m shed on the leased property adjacent the cattle handling yards near the main gate.
10. As the lease agreement provided for an option for a further five year term commencing 1 November 2011, the City wrote to the Apex Club requesting their intention with regards to exercising the option for the further term.
11. The Club has validly exercised its option for a further term, however advised they would have difficulty in continuing to meet rent costs of \$760.00 plus GST per annum for 2011. The Club requested financial assistance from the City to meet rent and costs associated with the lease extension documentation.
12. The Club seeks to vary the lease to amend the rental method applied from minimum rate to peppercorn rent of \$10.00 plus GST. This would greatly assist the Club to reduce their administrative costs and allow them to direct profits directly back into the community.
13. Taking into consideration the Club's comments regarding the lease rent and that the Property Management – Leases and Licences Policy was in the process of being reviewed with likely implications for Community Lessees, the Chief Executive Officer instructed that all community group requests for new leases and extensions be placed on hold pending the finalisation of the policy review and subsequent endorsement by Council.
14. The Club continues to occupy the leased property on a holding over basis as a month to month tenant. The conditions of the tenancy preserve the terms and conditions of the lease, except in respect of the term of the lease.
15. The revised Council Policy Property Management – Leases and Licences is being submitted by the Audit and Finance Committee to this OCM 18.09.2012 as a separate Item 1.1 in the agenda. The Audit and Finance Committee recommendation being that the finalised Property Management – Leases and Licences Policy be endorsed by Council.
16. The revised Council Leases and Licences Policy provides that rent for Community groups, such as the Apex Club of Albany Inc., leasing land for community purposes be a peppercorn rent of \$10.00 plus GST per annum.

17. The Club maintains all of the buildings and infrastructure including fencing and fire breaks on the leased property on Crown Reserve 1948, at no cost to Council.

## **DISCUSSION**

18. The Apex Club of Albany was founded in 1952. The Club is established for young men and women who wish to work with their peers for the good of the community. The Club's preference is to conduct a hands on approach with members volunteering their time free of charge to assist the community, in lieu of fundraising and donations.
19. The Club has undertaken many community projects since 1952 including but not limited to:
- The construction of Apex Drive in 1954 and ongoing development including a Lookout.
  - The building of the original Youth Centre (Middleton Road).
  - Various community gazebos (Eyre Park, Lower King bridge area).
  - Annual Carols by Candlelight for over 60 years.
  - Teenage Fashion Awards – proposed.
  - Various smaller community projects including assistance to the Albany Hospice and Albany Hospital, St John's Ambulance and PCYC.
20. The Club has been using Reserve 1948 for grazing purposes since the 1980's. Costs associated with this venture have risen over the years, along with seasonal changes necessitating the Club to purchase feed for cattle and the costs of maintaining the fences and firebreaks has invariably reduced the Club's profit capacity.
21. Over the years the Club has been in decline and the financial burden on running the Club has increased. The Apex Club of Albany is now the only Apex Club still remaining in the South Coastal region. The Club hosts a membership of up to 20 volunteers.
22. The revised Council Leases and Licences Policy provides that the rent for Community groups, such as the Apex Club of Albany Inc., leasing land for community purposes will be peppercorn rent of \$10.00 plus GST per annum.
23. The Lessee has committed to meeting all costs associated with the Deed of Extension and Variation of Lease.

## **GOVERNMENT CONSULTATION**

24. Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted. Minister for Land's consent will be sought for the proposed Deed of Extension and Variation of Lease on Crown Reserve 1948.
25. As the lease extension and variation proposal does not refer to land works or changes to the land title there are no *Native Title Act 1993* and the *Aboriginal Heritage Act 1972* implications.

**PUBLIC CONSULTATION / ENGAGEMENT**

26. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks;
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes; and
  - c. A local government can then proceed with the lease.
27. Section 30 of the *Local Government (Functions & General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) *The land is disposed of to a body, whether incorporated or not –*
- (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
  - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
28. The Apex Club of Albany Inc. is an incorporated, not for profit community group, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

**STATUTORY IMPLICATIONS**

29. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
30. As this is Crown land, under Management Order H523021 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation and State Emergency Service Radio Facility", Minister for Land's consent will be required.
31. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
32. Section 5.42 of the *Local Government Act 1995* enables Council to delegate some powers and duties to the Chief Executive Officer to facilitate the many services it provides to the community. At OCM 14.12.2010 Item 4.3.15 Council delegated to the CEO the authority to APPROVE requests to take up a lease option on a current lease or sub-lease, subject to there being no variation to the lease. Given the request is for an extension and variation of lease this matter is referred to Council for consideration.
33. Under the City's Town Planning Scheme 3, the subject land is reserved as "Parks and Recreation". The continued use of the land for cattle grazing is in accordance with the Scheme.

## **STRATEGIC IMPLICATIONS**

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

***Key Focus Area***

- *Organisational Performance.*

***Community Priority***

- *Policy and Procedures.*

***Proposed Strategies***

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

## **POLICY IMPLICATIONS**

35. Council adopted a Property Management – Leases Policy in 2008. A revised Property Management – Leases and Licences Policy has been recommended for endorsement under a separate Agenda Item 1.1 to this Council meeting by the Audit and Finance Committee.

36. This Policy aims to ensure that all requests for leases/licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.

37. The Policy section relevant to this category of Community lease – requires the following:

- Rent for Community groups leasing land for community purposes will be a peppercorn rent of \$10.00 plus GST per annum.
- Lessee must be an Incorporated body and a copy of their Articles of Association/Constitution be provided.
- Lease to be for a term not greater than 21 years.
- Rental/Sublease agreements must be approved by the Landlord.
- Lessee must have appropriate insurance pertaining to their particular activities, as a minimum, and
- Lessee will be responsible for all maintenance of the leased property at the Lessee's costs.

38. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<i>Variation of lease – rental method varied to peppercorn not approved</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council propose an alternate method to assist this organisation on a financial level.</i>  <i>Liaise with Lessee to gain agreement on rental.</i>
<i>Variation of lease – rental method varied to peppercorn not approved – reputational loss to City</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Liaise with Lessee to gain agreement on rental.</i>

**FINANCIAL IMPLICATIONS**

40. All costs associated with the preparation, execution and completion of the Deed of Extension and Variation of Lease documentation will be payable by the Lessee.
41. The lease rental will a peppercorn rent of \$10.00 plus GST per annum.
42. The lease rental will be directed to COA 190430 Income – Other Leases.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

43. Council has the following options in relation to this item:
- Approve the extension and variation of lease, or
  - Decline the request.
44. Council is bound to accept any request to exercise option for a further lease term provided the Lessee has:
- Exercised the option in the manner and timeframe specified in the lease; and
  - Complied with terms and conditions under the lease during the lease term.
45. The Club has validly exercised its option for a further term and complied with all lease obligations.
46. Should Council decline the variation of lease to amend the rental method from minimum rate to a peppercorn rent, the Club have indicated they may be forced to relinquish the lease due to financial reasons.
47. Should the Club relinquish the lease the Club may be required to remove all of the Lessees fitting and fixtures and make good any damage to the property in doing so.

48. Council could then invite expressions of interest to lease Crown Reserve 1948 for the designated purpose of only “Recreation and State Emergency Service Radio Facility”.
49. Alternatively Council under Section 51 of the *Land Administration Act 1997* could apply to the Minister for Lands to change the purpose of the reserve, subject to City Town Planning Scheme compliance, to allow a lease for a different purpose.
50. Until a new lease was granted the City would be responsible for maintaining the reserve including fences, weed control and fire breaks.

**SUMMARY CONCLUSION**

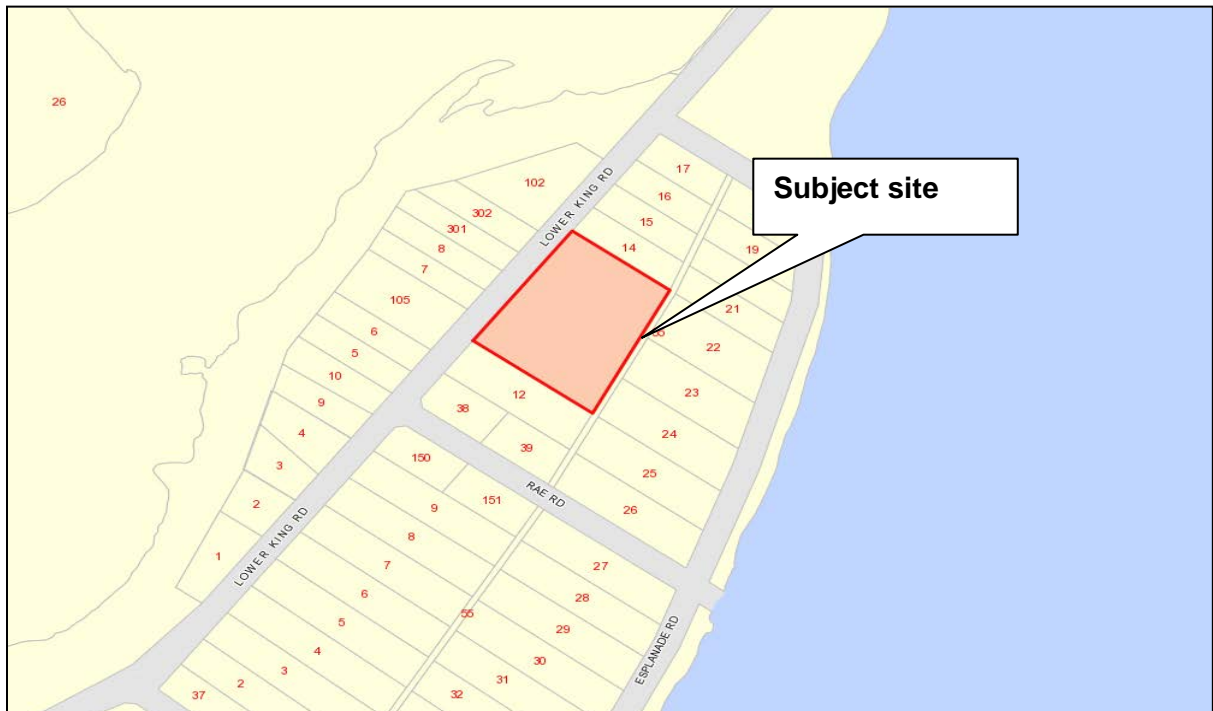
51. The Apex Club of Albany Inc. has validly exercised its option for a further five year term.
52. The Apex Club of Albany Inc. is seeking to vary the lease to amend the rental method from being the equivalent to minimum rate to a peppercorn rent of \$10.00 plus GST per annum.
53. The request for an extension and variation of lease in line with Council Policy – Property Management – Leases and Licences is supported.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases and Licences</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO285, A173817 (Kalgan Ward)
<b>Previous Reference</b>	OCM 18.09.2001 Item 12.2.5



## 4.6: NEW LEASE – LOWER KING COMMUNITY ASSOCIATION INC. – CROWN RESERVE 24154, LOWER KING

<b>Land Description</b>	: Crown Reserve 24154 and being Lot 6097 on Plan 4854 and being the whole of land contained in Certificate of Title Volume LR 3082 Folio 390, Lower King
<b>Proponent</b>	: Lower King Community Association Inc.
<b>Owner</b>	: Crown
<b>Attachment(s)</b>	: Nil
<b>Responsible Officer</b>	: Executive Director Corporate Services (G Adams)
<b>Maps and Diagrams</b>	



### IN BRIEF

- Council is requested to consider a new lease for the Lower King Community Association Inc. over the area it currently occupies on Reserve 24154, known as Gomm Recreation Park Reserve, Lower King.
- Lease term being 21 years for the purpose of Community Hall site, Croquet Grounds and Tennis Courts.
- The Lower King Community Association Inc. proposes to undertake hall extensions and improvements to the property. The Association has received Lotterywest grant funding to assist with completing the improvements.
- Council is requested to consider an application from the Lower King Community Association Inc. to waive the legal costs associated with the preparation, execution and completion of a Deed of Lease of \$600 plus GST plus disbursements (if applicable).

**ITEM 4.6: RESOLUTION****VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR HOLDEN****SECONDED: COUNCILLOR BOWLES**

**THAT Council APPROVE the request from the Lower King Community Association Inc. for a new lease over Crown Reserve 24154 and being Lot 6097 on Plan 4854, Lower King subject to:**

- 1. Lease term being 21 years commencing 21 August 2012.**
- 2. Lease rental being a peppercorn rate of \$10.00 plus GST annum.**
- 3. Lease area being approximately 12,219 square metres.**
- 4. Lease purpose being Community Hall site, Croquet Grounds and Tennis Courts.**
- 5. Section 18 of the *Lands Administration Act 1997*, the Minister for Land's consent is obtained.**
- 6. All costs associated with the development, maintenance and operations of the lease area to be payable by the proponent.**
- 7. All legal costs associated with the preparation, execution and completion of the Deed of Lease to be payable by the City of Albany, in recognition of the substantial improvements to the property.**
- 8. Lease being consistent with Council Policy – Property Management – Leases and Licences.**

**CARRIED 12-0****BACKGROUND**

1. Crown Reserve 24154 is under a Management Order H639953 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation and Hall Site" for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Crown Reserve 24154, known as Gomm Recreation Park Reserve, an area of approximately 12.20 hectares is located at 648 Lower King Road, Lower King.
3. In March 1986 the former Shire of Albany granted a new lease to the Lower King Croquet, Progress and Recreation Association Inc. over Crown Reserve 24154 for the purpose of the development of croquet grounds and tennis courts plus ancillary requirements.
4. The lease term of 21 years commenced 1 March 1986 for an initial nominal rental of \$4.00 per annum for the first two years, with an option for a further five year term. The lease agreement provides that rent be reviewed every two years and upon the option for a further term being exercised in 2007.
5. The Lower King Croquet, Progress and Recreation Association registered a change of incorporated name to Lower King Community Association Inc. with the Department of Consumer and Employment Protection on the 8 August 2002.
6. In September 2006 the Association exercised the option for a further five year term. At that time, the Association raised concern regarding possible increase to annual lease rent as detailed in the existing lease agreement clause 9B.

18/09/2012

\*\*REFER DISCLAIMER\*\*

7. The City advised the Association that a peppercorn rental of \$10.00 plus GST would remain during the 5 year extension expiring on 28 February 2012. However, the Association was further advised that any new lease considered in 2012 would attract a rental being the equivalent to minimum rate as set by Council per annum. It was recommended to the Association that they commence planning to allow for an increased rental in 2012.
8. A Deed of Extension and Variation of Lease commencing 1 March 2007 was entered into between the City and the Lower King Community Association Inc.
9. On the 20 February 2012 the City wrote to the Association informing them the further five year term was expiring on the 28 February 2012, and requesting the Association to advise the City of their intentions with regard to applying for a new lease over Reserve 24154. The City further advised the Association that a new lease rental of \$760.00 plus GST per annum (the equivalent of minimum rate set by Council per annum) would be applied.
10. On the 20 March 2012, a formal request was received from the Lower King Progress Association Inc. for a new lease over Reserve 24154. The Association raised concerns with the City as to their ability to meet rental payments and lease development costs.
11. Taking into consideration the Association's comments regarding the proposed lease rent and that staff were in the process of reviewing Council's Policy Property Management – Leases and Licences and likely implications for community Lessees, the Chief Executive Officer instructed that all community group requests for new leases and extensions be placed on hold pending the finalisation of the policy review.
12. The Association continue to occupy the leased area on a holding over basis as month to month tenant. The conditions of the tenancy preserve the terms and conditions of the lease, except in respect of the term of the lease.
13. The revised Council Policy Property Management – Leases and Licences is being submitted by the Audit and Finance Committee to this OCM 18.09.2012 Item 1.1 as a separate item in the agenda. The Audit and Finance Committee recommendation being that the finalised Property Management – Leases and Licences Policy be endorsed by Council.
14. The finalised policy provides that rent for Community groups, such as the Lower King Community Association Inc., leasing land for community purposes will be a peppercorn rent of \$10.00 plus GST per annum.
15. The Association has substantially developed the lease area by constructing croquet grounds and tennis courts with clubhouse facilities.
16. The Association maintains all of the buildings and infrastructure upon the leased area of Crown Reserve 24154, at no cost to Council.

**DISCUSSION**

17. The Lower King Croquet, Progress and Recreation Association Inc. was established in 1986 by a group of enthusiastic croquet players.
18. In 2002, the Lower King Croquet, Progress and Recreation Association changed its name to the Lower King Community Association Inc.
19. The Lower King Community Association Inc. is the Management Committee for the Gomm Park Croquet Association, Lower King Progress Association and the Lower King Tennis Club. The Association has over 100 members within the different association groups.
20. Since 1986 the Association through grant funding, fundraising and voluntary work has completed substantial improvements to the property including:
  - Construction of four croquet lawns.
  - Construction of three tennis courts.
  - Extensions to the hall incorporating kitchen facilities and store room.
  - Internal upgrade to hall incorporating relining the walls and painting.
  - Installation of a deck area.
  - Installation of an access ramp.
  - Construction of a car park and landscaping.
  - Installation of a universal access toilet block.
21. If the proposed new lease is approved the Association has committed to further improvements to the property including but not limited to:
  - Extension to the existing hall including insulation.
  - Installation of a new store room.
  - Installation of a new meeting room.
  - Covered ramp access to hall.
  - Improvements to drainage.
22. An application for grant funding has been recently approved by Lotterywest to assist the Association with hall extensions and improvements to the property.
23. The Association has sought and received City of Albany, as Landlord, permission for the proposed improvements subject to all Building and Planning Authority and other approvals including Council approval of a new lease being obtained prior to commencement of works.
24. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases and Licences within the category of Community Leases.

**GOVERNMENT CONSULTATION**

25. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted. Minister for Land's consent will be sort for the proposed new Deed of Lease on Crown Reserve 24154.

26. The proposed improvements as part of a development application will be referred to the South West Aboriginal Land & Sea Council, the Department of Indigenous Affairs and the Department of Regional Development and Lands for land and heritage consideration.

### **PUBLIC CONSULTATION / ENGAGEMENT**

27. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks;
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes; and
  - c. A local government can then proceed with the lease.
28. Section 30 of the *Local Government (Functions & General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) *The land is disposed of to a body, whether incorporated or not –*
    - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
    - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
29. The Lower King Community Association Inc. is an incorporated, not for profit sporting and community association, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

### **STATUTORY IMPLICATIONS**

30. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
31. As this is Crown land, under Management Order H639953 issued to the City of Albany with the power to lease, for the purpose of "Recreation and Hall Site", Minister for Land's consent will be required.
32. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
33. Under the City's Town Planning Scheme 1A, the subject land is reserved "Parks and Recreation". The proposed use of croquet and tennis sporting activities and community activities are an approved use in accordance with the Scheme.
34. The Western Australian Planning Commission (WAPC) consent is not required as this is Crown land.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

**Key Focus Area**

- *Organisational Performance.*
- *Lifestyle and Environment.*

**Community Priority**

- *Policy and Procedures.*
- *A built environment for active lifestyles.*

**Proposed Strategies**

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*
- *Incorporate into future plans, infrastructure in parks that encourages activity for all ages and abilities.*

**POLICY IMPLICATIONS**

36. Council adopted a Property Management – Leases Policy in 2008. A revised Property Management – Leases and Licences Policy has been recommended for endorsement under a separate Agenda Item 1.1 to this Council meeting by the Audit and Finance Committee.
37. This Policy aims to ensure that all requests for leases/licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
38. The Policy section relevant to this category of Community lease – requires the following:
- Rent for Community groups leasing land for community purposes will be a peppercorn rent of \$10.00 plus GST per annum.
  - Lessee must be an Incorporated body and a copy of their Articles of Association/Constitution be provided.
  - Lease to be for a term not greater than twenty one years.
  - Rental/Sublease agreements must be approved by the Landlord.
  - Lessee must have appropriate insurance pertaining to their particular sporting activities, as a minimum, and
  - Lessee will be responsible for all maintenance of the leased property at the Lessee's costs.
39. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

\*\*REFER DISCLAIMER\*\*

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction  Collaborate closely with Lower King Community Association Inc. to ensure mutually agreeable outcomes</i>
<i>Council does not approve a new lease – loss of premises for the Association, they would need to seek new grounds</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction  Collaborate closely with Lower King Community Association Inc. to ensure mutually agreeable outcomes.</i>

**FINANCIAL IMPLICATIONS**

41. Council could determine to waive the legal costs associated with the preparation, execution and completion of a Deed of Lease of \$600 plus GST plus disbursements (if applicable).
42. The new lease rental will be peppercorn rent of \$10.00 plus GST per annum.
43. The new lease rental will be directed to COA 190430 Income – Other Leases.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

44. Council has the following options in relation to this item, which are:
- Approve the Association's request for a new lease, or
  - Decline the request.
45. Should Council decline the request, the Lower King Community Association Inc. would be required to vacate the property and find an alternate location should they wish to continue providing community facilities and associated activities.

18/09/2012

\*\*REFER DISCLAIMER\*\*

46. Council could then invite expressions of interest to lease Crown Reserve 24154 for the designated purpose only of “Recreation and Hall Site”.
47. Alternatively Council under Section 51 of the *Land Administration Act 1997* could apply to the Minister for Lands to change the purpose of the reserve, subject to City Town Planning Scheme compliance, to allow a lease for a different purpose.

### SUMMARY CONCLUSION

48. The Lower King Community Association Inc. is seeking a new lease over an area they have occupied since 1986 on Crown Reserve 24154.
49. The Lower King Community Association Inc. has requested that Council consider waiving the legal costs associated with developing the lease agreement.
50. The Lower King Community Association Inc. has previously completed substantial improvements to the property and met the obligations of their previous lease.
51. The Lower King Community Association Inc. has received grant funding from Lotterywest to assist with further improvements to the property subject to a new lease being approved. The improvements will be beneficial to both the Association and the community.
52. The lease request to allow the Lower King Community Association Inc. to continue to provide community facilities and associated activities is supported.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases and Licences</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO228, A64933 (Kalgan Ward)
<b>Previous Reference</b>	Nil



**XIV. MOTIONS WITH NOTICE**

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

**ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK**

**MOVED: COUNCILLOR BOSTOCK  
SECONDED: COUNCILLOR DOWLING**

**THAT Council ENDORSE the following media statement for submission to the Albany Advertiser Newspaper:**

*“In June 2011, Council agreed to limit rate rises for the 2011-12 financial year to an average of 5%, but following delivery of the rates notices, Councillors received numerous complaints from individual ratepayers that their rates had increased by far greater amounts, up to 25% or more. Accusations that the City had misled residents were frequently expressed and were difficult to refute. More detailed investigations, however, which have only recently been completed, reveal the average increase was indeed 5%, but that individual rises were very unevenly distributed.*

*There was a general review of the gross rental value (GRV), on which all rates are based, by the Valuer General, an official in the State government, in early 2011, when he “rationalised” the GRV in Albany by lumping together large blocks of properties which had previously had a wide range of GRVs and raised them all to the same level.*

*For example, 500 properties whose GRV had ranged from \$6,980 to \$11,492 were all standardised to \$11,960 and there have been many similar instances. The inevitable consequence was that residences which had been at the bottom end of the scale suffered enormous increases while those at the top actually enjoyed a decrease in their rates, a classic example of robbing the poor to pay the rich.*

*Not surprisingly, Council has borne the anger of many residents, through no fault of its own, rejects the imposition of a grossly unfair and arbitrary increase in GRV which discriminates against those in the community least able to afford huge rate increases and calls on the Valuer General to remedy the situation at the earliest opportunity.*

**LOST 2-10**

**Record of Vote**

For the Motion: Councillors Bostock and Sutton

**Councillor’s Reason:**

It is of the utmost importance that the people of Albany retain trust in their Council and understand that Council did not deliberately mislead them. It must also be made clear when unfair charges are imposed by the State government, without consultation with, or approval by, the Local Authority.

**Officer Comment (CEO):**

The City of Albany has over 17,000 rateable properties. For the 2011/12 financial year, the City had three rate types, being Gross Rental Value (GRV) Occupied, GRV Vacant, and Vacant Land (UV). Within each rate type there is wide variation of GRV values, with the average increase of 5%. The *Local Government Act 1995*, section 6.28, details how a local government is to raise rates, and paragraph four states, "...the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978*, as at 1 July in each financial year."

The City has no control over and is not in a position to determine the reasons for every individual increase or decrease in GRV or UV. It is not up to the City to reject or accept the GRV or UV on individual properties. Each ratepayer has the right to object to the valuation made by Landgate, by lodging an objection directly to Valuation Services, provided this objection is lodged within 60 days of the date of issue of the rate notice. This is printed on the back of each rate notice.

The City is not in a position to speculate regarding a policy of rationalisation nor make comment on the fairness of decisions by the Valuer General. Comments such as these may also have the potential to be seen by Landgate as defamatory.

In accordance with the *Local Government Act 1995* (Section 2.8(d)), it is the role of the Mayor to speak on behalf of the local government.

Additionally, as this notice of motion was presented without consultation with the Mayor or CEO the accuracy of this statement was unable to be verified prior to an individual Councillor's opinion being made public.

General principles to guide the behaviour of council members (as prescribed in the *Local Government (Rules of Conduct) Regulations 2007*, regulation 3(1)) include that a person in his or her capacity as a council member should: act with reasonable care and diligence; avoid damage to the reputation of the local government; and base decisions on relevant and factually correct information.

**XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING**

**16.1: MOTION BY COUNCILLOR DOWLING-MEMBERSHIP OF CEO RECRUITMENT COMMITTEE**

**ITEM 16.1: RESOLUTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR SUTTON**

**THAT Item 16.1: Motion by Councillor Dowling-Membership of CEO Recruitment Committee, be ACCEPTED as an urgent item.**

**CARRIED 12-0  
ABSOLUTE MAJORITY**

**ITEM 16.1: MOTION BY COUNCILLOR DOWLING  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR CALLEJA**

**THAT Councillor Greg Stocks be APPOINTED to the CEO Recruitment Committee.**

**CARRIED 12-0  
ABSOLUTE MAJORITY**

**Councillor's Reason:**

Councillor Stocks has wide and practical experience in Executive and Personnel appraisal and recruitment. His knowledge will be invaluable.

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

**XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.**

**ITEM 18.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK-RATES**

**ITEM 18.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK**

**THAT Council sets the General Rate for 2013-14 at the same level as 2012-13 plus RPI.**

**Councillor's Reason:**

The accumulated increase in rates over the past four years amounts to more than 30%, which is several times the level of inflation over the same period.

Such rises cannot be sustained and it is the duty of Council to exercise restraint by restricting future increases to no more than the rate of inflation. Albany will not be attractive to new residents if it is seen to be a high cost city and we must keep our rates under control.

It may be argued that we cannot maintain all our current services without rises greater than inflation, in which case a comprehensive evaluation of what we provide is clearly necessary.

**XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC**

Nil.

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 16 October 2012.

**XXI. CLOSURE OF MEETING**

**ITEM 21.0: RESOLUTION**

**MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR GREGSON**

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

**CARRIED 12-0**

There being no further business the Presiding Member declared the meeting closed at [8:08:04 PM](#)



---

Dennis W Wellington  
**MAYOR**

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

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.</b>
17/07/2012	2.5	Development Application-Demolition (Single House Listed on Municipal Heritage Inventory)-Lot 49 (45) Seymour Street, Mira Mar <b>LAI D ON THE TABLE</b>
21/08/2012	2.11	Consideration of Amendments to Local Planning Scheme 1A and 3 Policy Manual for Policy 2A-Outbuildings. <b>LAI D ON THE TABLE FOR FURTHER CONSIDERATION BY COUNCIL AT COMMITTEE LEVEL.</b>
21/08/2012	15.1	Notice of Motion by Councillor Bostock- THAT when the final draft of TPS 1 is endorsed by Council, it shall not include any rezoning of freehold land into a category less advantageous to the owner than already exists in the current TPS1(a) or TPS3, without prior specific written agreement from the owner. Examples include the rezoning of land from the "Rural" to "Conservation" classification, or to "Parks and Recreation" from any other category. <b>LAI D ON THE TABLE TO ALLOW FURTHER CONSIDERATION OF SUBMISSIONS WHEN THEY ARE PRESENTED TO COUNCIL.</b>
18/09/2012	3.2	Extended Trading Hours within the City of Albany <b>LAI D ON THE TABLE FOR FURTHER CONSIDERATION BY COUNCIL.</b>

**TABLED DOCUMENTS**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
Mr Tony Stanton	Item 3.1	GO.COM.3
Ms Anne Brandenburg	Item 2.3	GO.COM.3

**TABLED DOCUMENTS BY ELECTED MEMBERS**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
Mayor Wellington	Mayor's Report	GO.COM.3
Councillor Bostock	Item 15.1	GO.COM.3

**TABLED DOCUMENTS BY STAFF**

Nil

TABLED ADDRESS BY MR TONY STANTON

ALAC  
Disability Fees  
Speech to Council  
18<sup>th</sup> September 2012

Tony Stanton Little Grove.

Mr Mayor & Councillors, I address Item 3.1 Fees for Special Needs.

I think most people would agree that the London Paralympics graphically showed the wonderful lift these athletes experience with their individual successes. To me, the outstanding one was the 13 yo swimmer, Maddie Elliot, from the female relay team when she discovered not only had they won gold, but had broken the world record. Their added elation comes because they have triumphed in their field of endeavour, & have also triumphed over their disability.

On National TV there was discussion on how Paralympians could obtain funding to help give them more sporting support & help improve their lives. The University Professor said local Governments should do more. I'm not critical of this City's contribution, as apart from Sailability, I am not aware of all your programs. However, ALAC pool fees for special needs increased 150% in July from \$11 to \$27.50. And Communities are complaining about the 18% electricity rise? What if they had also risen 150%?

The proposed 25% fee reduction in 3.1 still leaves the new cost of \$20.60 at almost a 90% increase over the previous fee. It is said Albany is a City of two parts, the "newly wed" & the "nearly dead" Their ALAC swim fees only rose between 5% - 8%, why are special needs fees subject to such a huge increase?

Page 2, No 7 appears to throw the problem of teaching special needs onto the Education Dept claiming ALAC's current fees were unsustainable with only a 50% recovery.

What about the City's Community Service Obligation to its disabled?

What happened when the Finance Committee reviewed the new pool charges? Were Special Needs just overlooked, were they seen as a soft target or as per page 2, No.8, gaining a large subsidy they don't deserve? There are less than a dozen in this minority & page 3 No.25 indicates the 25% reduction would cost \$1500 annually. Bringing the charge back to, say, 10%, still above the other swim fees rises, would about double this cost, which in ALAC's loss of over \$1M pa is infinitesimal.

Can't the City help the people who are in this position for life, as they strive to change their disability into ability?

Rudyard Kipling wrote "And the thousandth man will stand by you, 'though the whole round world is agin you"

Is there a "thousandth" Councillor who will stand by them? Which Councillor will challenge this Motion to be amended to just a 10% increase, on last year's fee of \$11? If so, will this Council become a "thousandth Council" which also stands by them & supports the small increase to help them lift their cloud of limitations which, is so difficult for them to do alone.



**TABLED ADDRESS BY MS ANNE BRANDENBURG**

**Address to the Ordinary Council Meeting of the City of Albany, 18<sup>th</sup> September 2012**

My name is **Anne Brandenburg** of 9 David Street, Spencer Park

I wish to address the Council tonight on agenda item 2.3: FINAL ADOPTION OF AMENDMENT  
– Portion of LOT 50 NANARUP ROAD, KALGAN

I am speaking in favour of Amendment to Motion by Councillor Bostock.

*My presence is concerned to premise a context for AMD303*

I wish to take this opportunity to table a formal letter of complaint submitted to the CEO of the City of Albany earlier today, and will read it now so as to explain its content and my concerns.

Read letter.....see attached.

I am pleased to see Council deliberating in relation to AMD303, and strongly request the City of Albany focus its immediate attention on completing the update of existing Town Planning Schemes into LPS1, and then engaging in structure and precinct planning for the entire Kalgan district.

Thank you for the opportunity to address Council this evening.

*Potential to subvert good planning process  
still with us if we simply lay on the table.*

TABLED ADDRESS BY MS ANNE BRANDENBURG



18 September 2012

The Chief Executive Officer  
City of Albany  
PO Box 484  
ALBANY WA 6330

Dear Madam,

**FORMAL COMPLAINT TO CEO, CITY OF ALBANY**

I am a long term resident of Albany currently residing in Spencer Park and with rate paying interests in Breaksea, Kalgan and Frederickstown wards of the City of Albany. Like other City of Albany ratepayers, I am affected in each of these wards by decisions council makes with respect to each and every development proposal put before it.

I wish to lodge a formal complaint to the City of Albany with respect to:

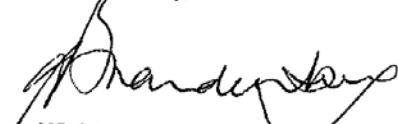
- Council's administrative practices forming the basis of Identification of land in the Lower Kalgan precinct as having a future Special Residential use in the Albany Local Planning Strategy
- Council's adoption of concurrent and contradictory public assessment processes for both the rezoning of land from Rural to Special Residential with AMD303 and the upgrade of statutory LPS1 document

Attached is a brief narrative history leading to my understanding of the problem, followed by a series of questions pertaining planning, precedence, non-statutory process, equity of opportunity, lack of contextual framework in assessing scheme amendments, ignoring staff advice, reasonable expectation by Council of community, service provision and circular referencing concerns.

I would also like to advise I am concurrently seeking answers from relevant Ministers concerning many of the questions I am raising with you.

I look forward to receiving your response to my concerns retained within.

Yours sincerely,



**MS SA (Anne) BRANDENBURG**

9 David Street  
SPENCER PARK WA 6330

Cc: Ombudsman Western Australia  
Mayor and Councillors, City of Albany  
Executive Director Planning and Development Services, City of Albany

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

**FORMAL COMPLAINT**

**To:** Chief Executive Officer  
City of Albany

**From:** Anne Brandenburg  
9 David Street, Albany  
0429 413667 / 08 98 414468

**Date:** 18 September 2012

---

**BACKGROUND**

At present, the Lower Kalgan community is being asked to provide public comment on two important documents.

**LPS1**

The first is the draft Local Planning Strategy document (LPS1) that applies to the entire City environs. I find out about it because I'm interested in planning. I am a member of the Lower Kalgan progress association and have run a business in both the Lower Kalgan and in the City. I keep an ear to the ground and have been tracking some particular changes being mooted for advertising in the draft LPS1. I am excited about this. It's a step in the right direction for the City. LPS1 will bring together the existing but out-dated statutory town planning scheme for the old Town of Albany (TPS1A) and the existing but out-dated statutory town planning scheme for the old Shire of Albany (TPS3), using the strategic direction and vision outlined in the Albany Local Planning Strategy (ALPS) to form a single, integrated, contemporary and statutory Local Planning Scheme (LPS1) document. The Message from the Mayor in the advertising pamphlet for the draft LPS1 explains, "*The draft scheme sets out the City of Albany Council's vision for the future of the City for the next five years and beyond*".

I look at the draft LPS1 in detail. I'm happy. There are no surprises for a number of specially areas of interest, including the 'General Agricultural' land use proposed for land north of Nanarup Road and east of the Kalgan Bridge in the lower Kalgan. It seems Council has listened to the concerns of the Lower Kalgan community. It provides for continuing the agricultural status quo for now with an intention to logically prioritise urban development and to engage in precinct planning with the community as the City's development front expands. I've 4 months to the 3 August 2012 to provide some positive feedback and support on this document.

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

**AMD303**

The second document out for public comment is AMD303. It comes to me via my parents. They've received a letter from the City of Albany saying they have until 28 June 2012 to write a submission on a proposal that will see 215 lots housing allotments down to 2000m2 in size the paddock next to theirs. The letter is dated 14 May 2012.

"What does this mean", they ask? "Please can you help us? You're interested in planning and we have no idea how this could come up out of the blue." So I say "yes", and take a look.

I read the letter and find, just as they say, they have been provided with a mere 42 days from the 14 May to 28 June to research a development proposal that is seeking to rezone of a large portion of Lot 50 Nanarup Road, the property adjacent to theirs, from the Rural to Special Residential zone.

I too ask, "how can this be?" The entire city community has not long received from Council a pamphlet incorporating map and text for the draft LPS1. It says the future for Lower Kalgan for the next 5 years and beyond will be **agricultural**. This letter, however, is indicating something else is going on. Can it be true that a large portion of Lower Kalgan land could be turned into Special Residential zoning and land use changed virtually overnight without there being any meaningful process involving community consultation undertaken on such a big development concept? Maybe Council hasn't been listening to the Lower Kalgan community at all?

And so, of course, my research begins, to seek answers to how such an obviously incongruent and contradictory situation could rise.

I refer to council minutes pertaining to AMD303. I find myself starting to collect and read a huge wad of nine years of Council minutes relating not only to Lot 50 Nanarup Road, but also to minutes relating to evolution of ALPS, minutes relating to the development of LPS1, and minutes relating to a number of other Scheme Amendment Requests and Scheme Amendment development applications for a number of other properties in the lower Kalgan.

Then comes a trip to Council to meet planning staff. They advise that the AMD303 application to rezone from rural to special residential is – in their view - legal. It was submitted under the auspice of the old TPS3 just prior to the implementation of a moratorium on development applications laid down by Council as the new LPS1 document was released for public comment.

At this point I realise some important things:

- That the zoning outcomes projected for the Lower Kalgan precinct contained in LPS1 and ALPS are completely different.

Draft statutory LPS1 information identifies agricultural use for the next 5+ years

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

The strategic ALPS, on the other hand, in its first draft mooted Rural Residential zoning. This was changed to Future Urban - Priority 5 classification as a consequence of a first round of public comment. Then, following another round of readvertising in which council did not receive any submissions of comment, the City adopted Special Residential zoning for ALPS.

- That ALPS is not just the vision document for the future. Instead it is a document with an inordinate amount of clout to which Council staff is legally bound to refer when assessing development applications. Yet, it is obvious from the changes to ALPS that have occurred from initial drafts, that the final intention is very different from that touted by Council and consulting planners as a dream document and one which the Kalgan community have struggled to keep abreast of changes relating to it.
- That the Lower Kalgan community has been completely sidelined from the planning processes affecting the future land use of property it owns in the Lower Kalgan precinct.

In addition to this, it becomes clear to me:

- that ALPS says something completely different to what the community thinks and expects it does, and
- unlike for other areas within the city, that information in LPS1 documentation DOES NOT identify the future 5+ years intention for lower Kalgan.

Still sitting in the Council offices, I ask "What can be done to change this potential outcome?" It's an outcome that I expect few will be supportive of and an outcome which is especially likely to disgruntle the other 25 or so landholders that will also be affected by having a die cast for a Special Residential future to the exclusion of any other currently valid land use options.

I am advised that perhaps the best way of dealing with AMD303 is to work with the fact that Special Residential is "a given" and for submissions to focus on making the best of a undesirable thing. "Work with the assumption that Special Residential zoning will go ahead and think about how to best achieve a desired outcome that will better suit you all. Think conflicting land uses, lot density, future access, etc.", I am told.

"So, special residential zoning for the future in the Lower Kalgan is a fait accompli then", I ask? "I wouldn't say that", is the response.

I leave the Council offices, aghast, shocked and mortified.

The last minute change to Special Residential zoning in the final draft of ALPS without the community being conscious of the change or the change brought to its attention by Council horrified me.

That AMD303 was about to slip through the net of community assessment prior to the completion of community consultation of the draft LPS1 documentation was alarming.

TABLED ADDRESS BY MS ANNE BRANDENBURG

**That the community had a mere 21-28 days left of an entitled 42 to rally, collect thoughts and submit comment on a Scheme Amendment application that would cast a die for its future land use was appalling.**

Who to talk to? The next meeting of the Lower Kalgan Progress Association (LKPA) wasn't even scheduled to take place before comment on AMD303 was due to Council.

In spite of the existence of the draft LPS1 documentation identifying general agricultural use for the Lower Kalgan, assessment of AMD303 was to be against the old TPS3, and therefore the ALPS document underpinning it.

**If Special Residential zoning proposed in AMD303 were to be supported by Council, the information provided to us for comment on as part of draft LPS1 was not only completely null and voided, but a Special Residential outcome would be automatically fed into the LPS1 upgrade irrespective of what was advised in LPS1 documentation.**

Yet again and based on recent history, our Council was demonstrating a contempt for community input that it seems only the City of Albany can do.

But, I still ask, how can this be? Council committed to precinct planning with the LKPA some years ago. I continue with more research and take an even closer look at the final version ALPS.

What I find inside the front cover of the document is a heading "Important Information – Adoption Process". Herein I find three significant statements:

- 1 *"THAT, as a matter of procedure, Council requires staff, when submitting future land-use strategy documents for Council consideration, to detail the implications of that strategy on ALPS and that, at the earliest opportunity after the adoption of any minor strategy document, ALPS be modified to reflect the agreed change in Councils strategy position"* (from OCM of August 2007),
- 2 *"THAT Council for land at Lower Kalgan agrees to MODIFY the "Future Urban designation to "Special Residential" on the north side of Nanarup Road and Lots 181, 184 and Pt Lots 183 and 422 on the south side of Nanarup Road (as per attached plan), and "Rural Residential" on the remainder of land on the south side of Nanarup Road and to the west of the Kalgan River"* (from OCM of June 2010), and
- 3 *"The Western Australian Planning Commission endorsed the ALPS on 26 August 2010..."* (from the Albany Local Planning Strategy (ALPS), Final Version – August 2010, City of Albany, 2010),

...which, in lay terms means:

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

- 1 That Council staff are required to assess all development applications against the directions and notations in the ALPS (despite it being somewhat of a moveable feast from its initiation in 2003 til its final adoption in 2010 for the residents of the Lower Kalgan),
- 2 That in June 2010, during the concluding stages of the finalisation of the ALPS, Council – against officer advice - had resolved to change the future use for a portion of the Lower Kalgan from "Future Urban - Priority 5" to "Special Residential" land use, and
- 3 That Council amendments inserted in June were signed off by the WAPC just two months later, on 26 August 2010. Council had once again slipped a major change to zoning intention for the Lower Kalgan without in any way involving the Lower Kalgan community.

This then prompted a couple of visits to the Department of Planning.

At the first meeting I asked how it came to be that the proposed change in use from "Future Urban" to "Special Residential" did not attract the same requirement for readvertising that the change in "Rural Residential" to "Future Urban" had in an earlier revision of ALPS. It was indicated the rationale for not requiring further advertising was that, in the WAPC's view, the change from Future Urban to Special Residential zoning had little or less effect on the density outcome of a future development. Development density, it appeared to me, was the WAPCs primary focus.

When I responded with the concern that the Lower Kalgan community had lost the opportunity to participate in an extended and considered planning process that would come with precinct planning and periodic review of ALPS over time, the response was that, "maybe the WAPC hadn't thought about that."

At the second meeting I sought to find out what could be done to reverse the course of Special Residential for the Lower Kalgan, at least until such a time as the community had been provided with an opportunity to be involved in precinct planning. I saw a glimmer of hope when it was suggested that, "surely a development application would NOT be assessed by Council for development if the community consultation phase of its assessment was not completed prior to release of LPS1 for public comment."

But, alas, not so, and it was at this point I discovered through further research the significance of non-statutory advice provided by Council to developers of the pending placement of a moratorium on development applications.

At this point I sat down and prepared a 25 page 'precise' of notes covering the history of the impacts of ALPS, three scheme amendment proposals and update of LPS1 as it related to the rezoning of the "*Kalgan 'cell' of Lower Kalgan, Albany*". I had originally begun its preparation in 2005-2006, when high density development was first mooted for Lot 50 Nanarup Road. It was useful then and seemed a good thing to follow through with now.

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

From these notes I developed a timeline of events so as to help me understand more clearly what has happened over time. I tape together four large pages of butchers paper, write down the years and months starting with January 2003 and then add to it key events and activities from the past wad of minutes I've read. The time line is big and it is complex, yet it does begin to give me a perspective of how each planning event has influenced or been influenced by another.

I learn that, despite the Lower Kalgan Progress Association being given commitments to precinct planning in a letter dated 7 June 2006 from the then Executive Director of Development Services, the Lower Kalgan community was looking at the real prospect of high density rezoning for a major portion of the Lower Kalgan without one iota of engagement by Council in that decision making process.

Furthermore, Council had done this:

- in spite of have not received any formal submissions on the notion of changing Future Urban to Special Residential zoning in ALPS
- in spite of the precedence Council had set for adjourning development decisions when choosing not to support a Special Residential rezoning request for land at Affleck Road, Lower Kalgan (SAR140) because it was *"logical that a decision on this proposal should be made after a review of this (Future Urban modification) component of the ALPS is undertaken."*
- in spite of council staff advising Councillors not to support Special Residential zoning and development in the Lower Kalgan
- in spite of a Councillor J Bostock addressing, advising and warning Council of its dysfunctional planning approach when she said she could not *"support arbitrary changes that are contrary to our previous decisions, the state and federal direction, the recommendations of the WAPC and the experience of our own planning staff"*.
- in spite of ignoring formally expressed LKPA interest in being involved in planning
- in spite of staff advice that Council could take a non-statutory opportunity to involve community in Lower Kalgan planning decisions
- in spite of the concerns of the Department of Agriculture for the "travesty" associated with loosing high quality agricultural land to residential development
- in spite of the strategic direction this amendment would create for the other 25 or so landholders who had not had an opportunity to comment on the worth of Special Residential zoning for the future of the locality
- in spite of advice from Council staff and a Great Southern Development Commission (GSDC) sponsored completion of a "comprehensive Peer Review of the Albany Local Planning Strategy" (Patrick DeVilliers et al, May 2007) acknowledging that the ALPS provided "an extremely comprehensive data base on which to base the future planning of Albany" and highlighting there was NOT a need for additional special residential lots
- in spite of recommendation that, "in the future, a limited number of lifestyle lots...only be supported and that they be adjacent to selected rural townsites...subject to detailed structure planning".



**TABLED ADDRESS BY MS ANNE BRANDENBURG**

- in spite of Council being advised that Future Urban Priority 5 classification did not “preclude” Council’s consideration for “suitably self-contained, comprehensively structure planned and fully serviced urban villages outside the current development front”, with structure planning needing to “address the locations for housing, employment, commercial, recreational and other purposes, coordinated with the efficient and economic provision of transport, essential infrastructure and human services....prepared at the developer’s cost”.
- in spite of advice that strategic implications of Council decisions could be reassessed as ALPS is modified and reviewed over time
- in spite of the creation of “ad hoc” urban lots on the periphery of the City producing “a major development windfall for the landowner” and adding “considerably to community costs to provide services to those lots and creates the potential for land use conflict with adjoining agricultural pursuits”
- in spite of being advised that “if additional areas are to be created, there should be a strategic rationale for that decision.”

...while at the same time:

- supporting developers through the LPS1 upgrade process by advising developers that a moratorium would be placed on development applications once LPS1 was released for public comment
- pre-empting broader Special Residential planning outcomes by being supportive of developer interests through the extension of an invitation to submit a Special Residential Scheme Amendment application which was contrary to Future Urban zoning being assessed at the same time by the public in a second draft of ALPS.

Clearly, an equitable opportunity for all to be engaged in or to receive benefits from planning outcomes is not offered to the Lower Kalgan community. Nor can the community have any confidence that the contextual issues pertaining to development applications relating to the Lower Kalgan precinct will be addressed by Council. While Council has done well to address the technical aspects of AMD303, it has done nothing to address the flawed premise that is the basis of AMD303.

The assumption that there is broad community acceptance and support for the assignment of Special Residential zoning to a large area of the Lower Kalgan precinct is simply NOT true.

Special Residential zoning earmarked for the Lower Kalgan in the ALPS has NEVER been ratified by OR explained to the community by Council or through a community consultation process.

‘Grab bags’ of advice from Council staff to Councillors only serve to heighten my concern that a decision by council to support Special Residential zoning in the Lower Kalgan would be an incorrect one.

## TABLED ADDRESS BY MS ANNE BRANDENBURG

### MY COMPLAINT

It is my view that Special Residential zoning for a portion of the Lower Kalgan precinct has been inserted into ALPS via a convoluted, misleading and irresponsible process by Council.

It is on this basis, therefore, that I lodge my formal complaint to Council with respect to its administrative processes forming the basis of identification of land in the Lower Kalgan precinct as Special Residential use in the Albany Local Planning Strategy, and its adoption of concurrent and contradictory public assessment processes for both the rezoning of land from Rural to Special Residential in the Lower Kalgan and the retention of agricultural land use as indicated in the draft upgrade of LPS1 statutory document.

### MY REQUEST

My request is that Council, along with other relevant statutory organisations, respond to and address the following series of questions related to my concerns:

#### 1 Planning

The Lower Kalgan community has sought and continues to seek opportunity to be involved in the shared development of one coordinated precinct plan for the entire Lower Kalgan locality. Furthermore, the City in its letter of 7 June 2006, advised:

*"The City will be inviting all agencies, residents and landowners to participate in the development of the Precinct Plan as equal partners; in so doing, it must be understood that the final decision of the content of the Precinct Plan will rest with the Council of the City of Albany, as the plan will become a City policy, endorsed under the Town Planning Scheme, and it must meet the City's requirements for regulating future developments."*

Precinct and structure plans should be developed in a timely and planned way, involve input from all community, public and private stakeholders, and address all aspects of environmental, social and economic values pertaining to the locality.

- Has Council acted in accordance with its specific undertakings to the lower Kalgan community with respect to their involvement in precinct planning?
- Has Council complied with statutory obligations pertaining to community involvement in proposed zoning changes for the Lower Kalgan and, if so, how?

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

- What actions were undertaken by council to adhere to its own procedures in showing consideration for implication for ALPS when submitting future land use strategy documents?
- What is stopping Council from taking opportunities to engage further discussion with community and landholders to address sensitive development issues even when they know community interest exists?
- Where is the equity in Council maintaining contact with developers through non-statutory processes but not with the community over issues relevant to both?

**2 Precedence**

Council has previously set precedence through its rejection of SAR140 by not supporting development proposals which may contradict the interpretation or outcomes of community input into important planning processes.

I therefore ask:

- How is Council's decision for supporting SAR145 for Special Residential zoning at Lot 50 Nanarup Road consistent with its decision to not support Special Residential zoning with SAR140 at Affleck Road when, for both SARs, the community comment phase on the draft ALPS had not yet been completed?
- Is Council acting within its legal rights by pre-empting Special Residential zoning requests and applications from developers when community based assessment of the over-arching planning documents is not yet complete?

**3 Non-Statutory process**

In my opinion, Council has gone beyond the minimum requirements for supporting developers but not for the community with:

- 1 the provision of advice to developers of a pending moratorium on developments applications,
  - 2 adoption of the non-statutory SAR process which excludes community input at early stages of the assessment of development applications, and
  - 3 by actively choosing NOT to involve community in non-statutory planning processes.
- Is it Council's view that this adoption of non-statutory process provides equity for all of its ratepayer community and, if so, how?

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

- How has adoption of these non-statutory planning processes by Council fulfilled its commitment to the Lower Kalgan community to engage in precinct planning?

**4 Equity of opportunity**

Has council thought about its responsibility to all ratepayers rather than conferring benefits to individual developers with respect to facilitating Special Residential developments in the Lower Kalgan? How is supporting a developer to release land benefiting the entire community when flooding the market causes a drop in land prices, increases the need for extension of scarce council services and takes financial resources from environmentally sensible city infill projects?

- For what reason has council chosen to ignore the downward impact that additional land release (through developments such as AMD303 and Council's own development of Cull Road lots) has on the sale of existing property assets and their values?
- When and how is Council going to engage with other Lower Kalgan landholders (including the three landholders of whom I am aware) wishing to explore other land use options for their properties?

**5 Lack of Contextual Framework in assessing Scheme Amendments**

A detailed read of the various submissions on AMD303 highlights a number of contextual framework issues not being addressed with the assessment of AMD303. These include:

- 1 the Department of Agriculture's concern that rezoning will "compromise food security, agricultural diversity and economic prosperity for the City of Albany and Lower Great Southern region."
- 2 the DEC's concern for the future tourism and environmental values of the Lower Kalgan.
- 3 the EPA concerns for waste water disposal

- What is Council's liability for addressing contextual concerns of scheme amendments such as these highlighted?
- Is Council within its legal bounds to ignore the conceptual concerns of submissions?
- If not, how is council addressing the conceptual concerns related to the assessment of AMD303?

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

**6 Ignoring staff advice**

Council has repeatedly chosen to ignore the advice of its professional planning employees to not support Scheme Amendment Requests and Scheme Amendment applications pertaining to Lot 50 Nanarup Road.

- What justification does Council have to provide when choosing to ignore the comment and professional advice of its planning staff?
- To what extent can Council compel Council staff to provide support to proposals falling outside the grounds of their better professional judgement?
- Is there any point at which discounting staff advice might constitute blatant corruption of due public process?

**7 Reasonable Expectation by Council of Community**

The City of Albany has repeatedly expected the Lower Kalgan community to be satisfied with responding to important planning issues in a reactionary way. With AMD303, Council expects community acceptance for jumping from low density Rural to high density Special Residential zoning in a single scheme amendment without doing necessary consultative groundwork.

- What are the obligations under Local Government Act for Councils when these sorts of situations arise?

**8 Service Provision**

Research conducted by the City which forms the basis of ALPS has identified the City of Albany as having more than ample supply of rural residential lots for the next 5+ years. It is my understanding that future urban development requires the provision of reticulated water supply and sewer system to each of the land allotments created but that for special Residential allotments, this is negotiable.

- On what basis is Council deciding we need more land for development through the support for development applications such as AMD303?
- Is Council avoiding the provision of sewer and water to allotments created so as to deal with pressure being applied by a developer?
- How will not requiring the installation of sewer service to AMD303 lots support the development of the ALPS identified future urban development corridor for

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

**6 Ignoring staff advice**

Council has repeatedly chosen to ignore the advice of its professional planning employees to not support Scheme Amendment Requests and Scheme Amendment applications pertaining to Lot 50 Nanarup Road.

- What justification does Council have to provide when choosing to ignore the comment and professional advice of its planning staff?
- To what extent can Council compel Council staff to provide support to proposals falling outside the grounds of their better professional judgement?
- Is there any point at which discounting staff advice might constitute blatant corruption of due public process?

**7 Reasonable Expectation by Council of Community**

The City of Albany has repeatedly expected the Lower Kalgan community to be satisfied with responding to important planning issues in a reactionary way. With AMD303, Council expects community acceptance for jumping from low density Rural to high density Special Residential zoning in a single scheme amendment without doing necessary consultative groundwork.

- What are the obligations under Local Government Act for Councils when these sorts of situations arise?

**8 Service Provision**

Research conducted by the City which forms the basis of ALPS has identified the City of Albany as having more than ample supply of rural residential lots for the next 5+ years. It is my understanding that future urban development requires the provision of reticulated water supply and sewer system to each of the land allotments created but that for special Residential allotments, this is negotiable.

- On what basis is Council deciding we need more land for development through the support for development applications such as AMD303?
- Is Council avoiding the provision of sewer and water to allotments created so as to deal with pressure being applied by a developer?
- How will not requiring the installation of sewer service to AMD303 lots support the development of the ALPS identified future urban development corridor for

## MAYORS REPORT

### MAYOR'S REPORT TO COUNCIL

TUESDAY, 18 September 2012

Councillors, Staff, members of the public.....

Below is a brief summary of Mayoral Office activities since the last Ordinary Council Meeting held on 21 August 2012.

- Citizenship Ceremony – 32 conferees
- Weekly telephone call – Brad Jolly
- Weekly telephone call Minister Castrilli
- Weekly radio interview commitments
- Civic Reception – Albany Light Opera 50<sup>th</sup> Anniversary
- Council attendee to Albany Light Opera 50<sup>th</sup> Anniversary Performance – Albany. Port Theatre
- Council attendee 100<sup>th</sup> Birthday celebration – Mrs Alice Roberts
- Council attendee/speaker - Official opening Kidsafe Great Southern regional Office
- Council attendee - Dinner meeting Mr Ian Fletcher, chair Regional Development Council
- Council attendee/speaker Variety Bash Opening
- Council attendee Variety Bash Procession
- Council attendee - Dinner meeting Grange Resources – Richard Mehan
- Council attendee/speaker - Seniors Forum
- Professional Development Workshops – Gary Hunt, Ricky Burgess and Tony Brown
- Council attendee – Farewell to Rod Hedderwick
- Council attendee/presenter – MBA of WA Builders Building Excellence Awards

**TABLED ADDRESS BY COUNCILLOR BOSTOCK**

Speech in support of Item 15.1 on the Agenda of the September, 2012 OCM by D. Bostock.

I consider the reason for presenting this motion to be adequately covered in the agenda so will now turn to the CEO's input.

It is with considerable regret that I note the comments made in her final paragraph, to the effect that in presenting this motion I have breached the Local Government ( Rules of Conduct) Regulations 2007, damaged the reputation of the Local Government and presented factually incorrect information, none of which was my intention.

I have always considered our acting CEO to be a person of common sense and integrity , who would not make such accusations lightly but simply cannot understand on what evidence she has based her conclusions and I would, therefore, ask her to provide further support for these statements.

My purpose in bringing the motion was to give Council the opportunity to explain to the people of Albany that it was NOT responsible for the huge variations in individual rates in 2011/ 12 , which is exactly the opposite of bringing Council into disrepute. Furthermore, I spent many hours poring through the 17,000 individual rate assessments and GRV's and would dearly like to know in what ways was the information irrelevant and factually incorrect.

Secondly, nowhere have I speculated on the reasons behind the Valuer General changing the basis of assessing GRV's, the reference to rationalising, simply meaning that , but any system which penalises the poorer members of a community while benefitting the wealthy would appear manifestly unfair to anyone other than those with political views somewhat to the right of King Charles 1<sup>st</sup> of England and we all know what happened to him.

Finally, I have never before encountered the idea that any councillor motion must be O.K.ed by the mayor before it can be presented at a Council meeting and find it strange that it should even be suggested. The Mayor is the first among equals and does not have the power to decide what should or should not be brought before Council for its consideration.

The statement that the Mayor " speaks on the part of Local Government 'does not mean that he decides local government policy but that he is the official conduit for disseminating Council decisions to the community.

In conclusion, I would ask fellow councillors to support this motion for the sole reason, as already stated, of maintaining the trust of our electors in the integrity of Council's word.