

A G E N D A

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 19th April 2005
7.30pm
City of Albany - Mercer Road Office**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 8th April 2005



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 19th April 2005 in the Council Chambers, Mercer Road, Albany commencing at 7.30 pm.

(Signed)

Andrew Hammond
CHIEF EXECUTIVE OFFICER

8th April 2005

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1.0 DECLARATION OF OPENING

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

3.0 OPENING PRAYER

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Berry addressed Council at the March 2005 OCM, his questions were taken on notice.

“At the Ordinary Council meeting held on the 15th March 2005 you posed five questions and I hereby respond on behalf of Council to those questions:

“If the Council is unable to manage these reserves (Gull Rock and Mt Martin) what is the Council's long term vision for other parks and reserves under its control.”

The City does not hold the management order for the Gull Rock Reserve and is unlikely to receive that order under the current government protocols relating to the management of a reserve with a purpose of "National Park". The opportunity for CALM to assume the management responsibility for the Mt Martin reserve was submitted for debate, and the agenda item provided the vehicle for Council to explore the most appropriate management regime for that reserve. It was noted in the agenda item that greater expertise and resources existed within CALM to management land with high fauna and flora conservation values.

Your generalisation, that Council is unable to manage reserves is also misleading. Council has management orders (the vesting) for over 350 reserves throughout the municipality and site specific management plans for reserves are continually being developed. On some of the larger coastal reserves (eg Lowlands), Council has already worked with local communities to further develop the reserve, modify current usage arrangements and set in place long term working partnerships, without impacting upon the present management regimes. Other large reserves are being, and will continue to be managed, albeit in a less active manner.

“What is the long term funding arrangements for those parks and reserves.”

Council has put in place a Reserves Master Plan which seeks to prioritise the development of all Council reserves and also alerts Council to budget requirements. In the 2004/05 budget, Council allocated \$720,000 towards the implementation of the Reserve Master Plan. No funding is expected from the Master Plan for the Gull Rock Reserve as it is not under Council's care and control. Similarly, the Mt Martin Reserve is not identified as requiring major funding support in the short to medium term within the Master Plan.

“Is it Council's intention to divest itself of any other parks and reserves.”

Council continually monitors its capacity to manage, for the benefit of the entire community, those Crown Reserves under its care and control. If an alternate agency is better placed to manage the reserve in accordance with its purpose, then Council has a duty to the community to examine the current arrangements and to consider divesting itself of the reserve. Council is currently not actively considering such actions on any other reserves.

“If so, will there be public consultation process with this action.”

Council has no policy position on consulting with the community as part of its process to determine whether to divest itself of a reserve. With the small number of such requests, it is likely that each application will be treated on its merits.

“If not, why not.”

No two reserves are identical and each proposal needs to be treated on its merit. For example, it would appear onerous to consult with the community on a request to transfer a 5 metre wide foreshore reserve into an adjoining 100 metre wide coastal reserve, under the control of the Department of the Environment, if both land parcels are to be revegetated and managed as a single land entity.”

5.0 PUBLIC QUESTION TIME

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

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

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 15th March 2005; as previously distributed be confirmed as a true and accurate record of proceedings with the following amendment...

The following motion should replace the ones recorded within the March 2005 OCM Minutes.

“Item 11.1.3

THAT Council defer consideration of this request to develop 2 units on 13/9 Flinders Parade, Middleton Beach and request that the WAPC review the number of strata entitlements with support being given for the creation of 2 strata units in the restaurant area.”

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

8.0 DECLARATIONS OF FINANCIAL INTEREST

[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

11.0 REPORTS – DEVELOPMENT SERVICES

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

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

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

13.0 REPORTS – WORKS & SERVICES

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

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages ****]

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin
DRAFT MOTION

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

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17.0 MAYORS REPORT

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

19.0 CLOSED DOORS

20.0 NEXT ORDINARY MEETING DATE

Tuesday 17th May 2005, 7.30pm

21.0 CLOSURE OF MEETING

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is included in the Councillor Report/Information Bulletin and contains the following:-

Municipal Fund			
Cheques	totalling		208,141.52
Electronic Fund Transfer	totalling		3,974,488.28
Payroll	totalling		965,554.78
Credit Card	totalling		5,642.04
TOTAL			<u>5,153,826.62</u>

2. As at 4th April 2005, the total outstanding creditors, stands at \$1,028,895.20.
3. Cancelled Cheques – 20477

RECOMMENDATION

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

Municipal Fund	totalling	\$5,153,826.62
Total		<u>\$5,153,826.62</u>

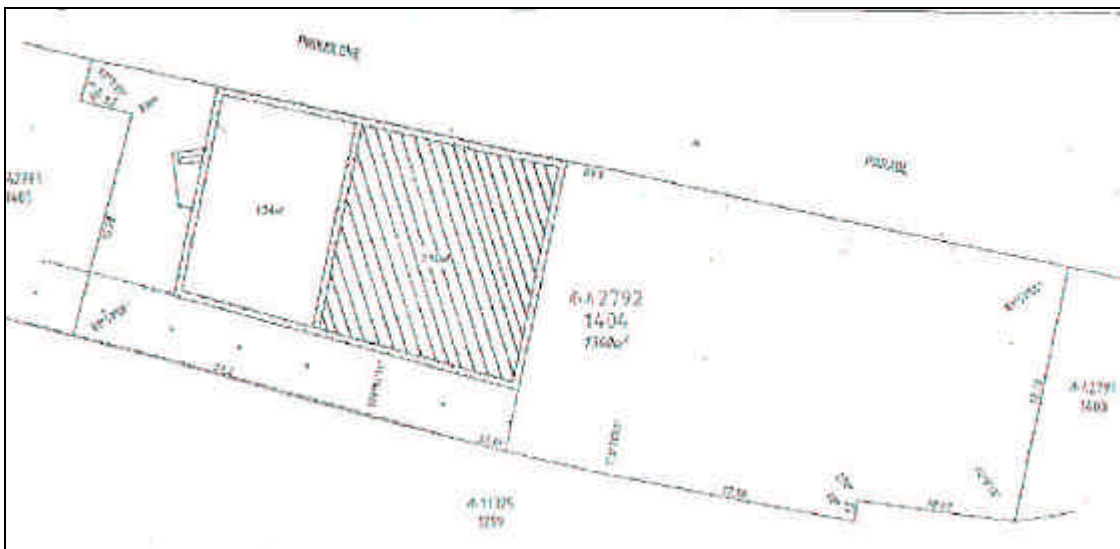
Voting Requirement Simple Majority

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Proposed New Lease For Albany Model Railway Association Inc.

File/Ward	:	PRO 273 (Fredericktown Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Portion of Railway Reserve 42792 - Portion of Old Bond Store
Proponent	:	Albany Model Railway Association Inc
Owner	:	Crown Land (Managed by the City of Albany)
Reporting Officer(s)	:	Corporate Services Officer (S Foy)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve the request for a new lease to be prepared for a 10-year term with a further 5-year option
Bulletin	:	Nil
Locality Plan	:	



Item 12.2.1 continued.

BACKGROUND

1. A request has been received from the Albany Model Railway Association Inc for Council to consider renewing their lease agreement which is due to expire on 30th June 2005. The current lease is for a term of 5 years with a further 5 year option.
2. The Model Railway Association occupy the Old Bond Store, Proudlove Parade. The Land is situated at Proudlove Parade being Albany Lot 1404 on Land Administration Plan 18308 and being the part of the land comprising in Crown Land Title Volume 3121 Folio 760.

STATUTORY REQUIREMENTS:

3. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
4. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
5. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
6. The Albany Model Railway Association Inc is a social body, therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Council charges an amount equivalent to the minimum gross rental value land rate to all non-profit and community groups. The rental is reviewed annually in accordance with Council's budget and is subject to GST. For the 2004/05 financial year the Council adopted minimum land rate is \$466.00.
9. Typically, all costs associated with creating a new lease are borne by the applicant. In this case, the applicant has requested a reduction in the cost to prepare this lease.

Item 12.2.1 continued.

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

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

Priority Projects

Nil”

COMMENT/DISCUSSION

- 11. The Albany Model Railway Association Inc has written to Council requesting a lease for 10 years with a further 5-year option.
- 12. The Albany Model Railway Association Inc has asked Council to consider subsidising the cost of preparing the lease documentation.

RECOMMENDATION

THAT Council:

- i) **agrees to the request from the Albany Model Railway Association Inc for a new lease to be prepared for a period of 10 years with a further 5 year option, from 1 July 2005 to 31 June 2015 on Portion of Railway Reserve 42792 – Portion of Old Bond Store;**
- ii) **that the rental be set at \$466.00 per annum, subject to GST, in accordance with Council’s 2004/05 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;**
- iii) **the lease is prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs being carried out by the Albany Model Railway Association;**
- v) **all fees associated with this lease be payable by the Albany Model Railway Association Inc; and**
- vi) **the Common Seal of the City of Albany be affixed to the documentation.**

Voting Requirement Simple Majority

.....

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 Proposed New Lease For St John Ambulance

File/Ward	:	PRO 349 (Kalgan Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Portion Plantagenet Locations 4741, 5650, 5768 and 5769 Albany Highway, Albany
Proponent	:	St John Ambulance
Owner	:	City of Albany
Reporting Officer(s)	:	Corporate Service Officer (A Wiseman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve the request for a new lease to be prepared for a 10 year term with a 10 year option from 31 May 2005
Bulletin	:	Nil
Locality Plan	:	Nil.

BACKGROUND

1. A request has been received from St John Ambulance for Council to consider entering into a lease agreement for a proposed ambulance and patient transfer building at the Albany Airport.
2. They have previously been utilising a hangar site for many years (courtesy of the owner), however this site has now become overcrowded with storage items and personal aircraft and is no longer a viable option.
3. Council owns the Albany Airport land freehold.

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
5. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

6. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
7. St John Ambulance is a viable business and the proposed disposition of land is not exempt from the provisions of Section 3.58 of the Act. The advertising period of 2 weeks will therefore apply in this case.

POLICY IMPLICATIONS

8. This proposed lease does not interfere with the Airport Master Plan as there is no plan for this particular site.

FINANCIAL IMPLICATIONS

9. It is proposed to charge St John Ambulance an open market rental of \$500.00 per annum (subject to GST). The rental will be reassessed every 3 years through a market review with annual Consumer Price Indexes (CPI) being applied.
10. All costs associated with this proposed new lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

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

Priority Projects

Nil”

COMMENT/DISCUSSION

12. St John Ambulance has written to Council requesting a lease be prepared for an ambulance patient transfer building at the Albany Airport.
13. The area of land is situated near the southern entry gate near the airport terminal building. The only services that will be required will be power and water.

Item 12.2.2 continued.

- 14. St John Ambulance have averaged 5 Royal Flying Doctor Service transfers per week from Albany (not including Denmark and Mt Barker or any other local sub-centre). Patients are currently transferred (in the open) in all weather conditions; this can be problematic when patients have specialised life saving equipment or when transferring multiple patients. Transporting neo-nates (new born babies) can also be a problem because they require a special porta-cot and oxygen equipment, which is mounted on a modified stretcher top. This set-up weighs approximately 180kgs and currently needs to be lifted manually and suspended whilst special mounting blocks are placed and removed so that the porta-cot can be transported safely in an ambulance. An electronic lifting system is needed because of the difficulty and potential hazards of doing this. The airport facility is needed to erect, store and utilise this lifting device.

RECOMMENDATION

THAT in accordance with Section 3.58 of the Local Government Act 1995, Council agree that should no submissions be received as a result of advertising:

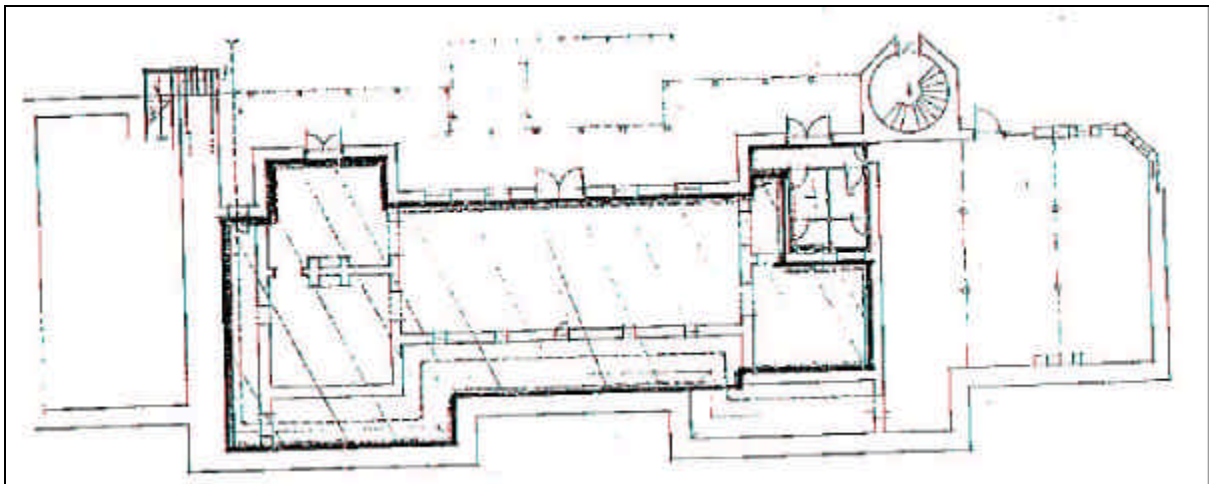
- i) a new lease be prepared for St John Ambulance for a period of 10 years with a 10 year option, commencing from 31 May 2005 at the Albany Airport;**
- ii) the rental be set at \$500.00 per annum, subject to GST, in accordance with the fair market land rental obtained, with market rent reviews being carried out every 3 years and CPI being applied every other year;**
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with all building maintenance and repairs being carried out by St John Ambulance;**
- v) all fees associated with this lease be payable by St John Ambulance; and**
- vi) the Common Seal of the City of Albany be affixed to the documentation.**

Voting Requirement Simple Majority

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12.2.3 Proposed New Lease For Spectrum Theatre

File/Ward	:	PRO 078 (Fredericktown Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Lots B42 and B44 Old Post Office Stirling Tce
Proponent	:	Spectrum Theatre
Owner	:	City of Albany
Reporting Officer(s)	:	Corporate Services Officer (S Foy)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve the request for a new lease to be prepared for a 5 year term with an further 5 year option
Bulletin	:	Nil
Locality Plan	:	



Lower Level Old Post Office
Stirling Terrace, Albany

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

BACKGROUND

1. A request has been received from the Spectrum Theatre Inc for Council to consider renewing their lease agreement which is due to expire on 31st July 2005. The current lease is for a term of 5 years with further 5 year option.
2. The Theatre is located on the Ground Level, Old Post Office, Stirling Terrace. Council owns Lots B42 and B44 freehold.

STATUTORY REQUIREMENTS:

3. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
4. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
5. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
6. Spectrum Theatre Inc is a cultural body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 the Act.

POLICY IMPLICATIONS

7. There are no policies in place in relation to this item.

FINANCIAL IMPLICATIONS

8. Council charges an amount equivalent to the minimum gross rental value land rate to all non-profit, and community groups. The rental is reviewed annually in accordance with Council’s budget and is subject to GST. For the 2004/05 financial year the Council adopted minimum land rate is \$466.00.
9. All costs associated with this proposed new lease are to be borne by the applicant.

Item 12.2.3 continued.

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

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

Priority Projects

Nil”

COMMENT/DISCUSSION

- 11. Spectrum Theatre Inc has written to Council requesting a lease for 5 years with a further 5 year option.

RECOMMENDATION

THAT subject to Council approval:

- i) agree to the request from the Spectrum Theatre Inc for a new lease to be prepared for a period of 5 years with a further 5 year option, from 1 August 2005 to 31 July 2010 on Lots B42 and B44 – Old Post Office Stirling Tce;
- ii) the rental be set at \$466.00 per annum, subject to GST, in accordance with Council’s 2004/05 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;
- iii) the lease is prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs being carried out by the Theatre;
- v) all fees associated with this lease be payable by Spectrum Theatre Inc; and
- vi) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

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12.2.4 Annual Review of Council Delegations – Local Government Delegations

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	Annual review of Council delegations
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Manager Customer Services (B Parker)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/11/01 - Item 12.2.2 OCM 20/08/02 - Item 12.2.7 OCM 20/01/04 – item 12.2.2
Summary Recommendation	:	That Council agrees to renew the Chief Executive Officer's and Council committees' various delegations as listed
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer to help facilitate the many services it provides to the community.
2. At least once every financial year, the powers and duties delegated to the Chief Executive Officer are required under the Local Government Act to be reviewed by the delegator.

STATUTORY REQUIREMENTS:

3. Section 5.42 of the Local Government Act 1995 enables the delegation of some powers and duties to the Chief Executive Officer:
 - 1) *a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43*
 a delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
4. Section 5.16 and 5.17 of the Local Government Act 1995 enables the delegation of some powers and duties to a committee:
 - 1) *which may be in writing and be general or as otherwise provided in the instrument of delegation;*

CORPORATE & COMMUNITY SERVICES REPORTS

- 2) *which have effect for the period of time specified or if no period specified, indefinitely;*
 - 3) *but can not include any power or duty that requires a decision of an absolute majority or a 75% majority of the Council, or any powers or duties that can be delegated to the CEO under Division 4, etc”*
5. Under the provisions of section 5.46 of the Local Government Act 1995, delegations must be reviewed at least once every financial year.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

9. An internal review of the existing Council delegations was completed during the 2004/2005 financial year and it was felt that many of these delegations should continue, as they exist to provide a more efficient service for our customers.
10. In addition to the delegations that already exist and simply require Council review, the City requires Council to endorse a new delegation to the Chief Executive Officer to write off debts. Part (c), section 6.12 of the Local Government Act 1995 allows a Local Government to write off any amount of money.

RECOMMENDATION

THAT Council:

- i) **In accordance with the provisions of Section 5.42 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:**
 - a) **Review of City of Albany’s Gross Rental Valuation (GRV) Rating Area.**

***Local Government Act, Section 6.28
Report Requirement – FILE***

- b) **Contracts – Power to Accept Contracts for Provision of Goods and Services and acquire/dispose of property up to \$50,000.00 (excluding GST), subject to the said matter:**
- i) **being detailed in Council’s annual budget, and**
 - ii) **complying with any relevant Council policy.**

***Local Government Act, Section 5.43(b)
Report Requirement – FILE***

- c) **Process requests related to the application of the Common Seal. The Mayor and the Chief Executive Officer (and their respective absences the Acting Mayor and the Acting Chief Executive Officer) be authorised to attach the Common Seal to all documents, subject to the restrictions imposed by Section 5.43 of the Local Government Act.**

***Local Government Act, Section 2.5
Report Requirement BULLETIN***

- d) **The authority to appoint “authorised persons” under the City of Albany’s local laws.**

***Local Government Act
Report Requirement FILE***

- e) **To execute Grant and Service Agreements arranged with the Bushfire Services of WA.**

***Local Government Act, Section 5.43
Report Requirement FILE***

- f) **To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.**

***Local Government Act, Schedule 9.1, Section 2
Report Requirement FILE***

- g) **The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997.**

***Local Government Act, section 6.10 and Financial Management
Regulations
Report Requirement FILE***

- h) **To obtain drainage easements for Council’s drainage needs subject to the following criteria:**

- **all alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;**
- **easement location be based on sound engineering knowledge taking into account existing and future drainage systems;**
- **should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;**

CORPORATE & COMMUNITY SERVICES REPORTS

- no payment of compensation is to be paid until the easement has been registered with the Titles Office;
- easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural);
- location of easement is agreed to by the affected land owner;
- agreement has been obtained from the affected landowner for the grant of easement.

*Local Government Act, Schedules 3.2, 9.1
Report Requirement: File*

- i) To implement the provisions of the policy –“Payments to Employees in Addition to Contractor Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

*Local Government Act, Section 5.50
Report Requirement: Bulletin*

- j) To approve sundry donations to the value of \$200.00 in accordance with the policy “Financial Assistance Community Organisations”.

*Local Government Act
Report Requirement to Council Records*

- k) To approve the writing off of penalty interest relating to rates payments to the value of \$1.99.

*Local Government Act, Section 6.47
Report Requirement to Council Records*

- l) To undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:

- Process requests related to Leases
- Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
- Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
- Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
- Application for a sublease to be processed, where there is a current lease in place.

*Land Administration Act, Section 18 and
Local Government Act, Section 3.58
Report Requirement: BULLETIN*

- m) Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council’s “Development Area and Street Names” Policy.

*Land Administration Act, Section 56
Report Requirement FILE*

- n) **Process requests related to Crown Reserves**
- **Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.**
 - **Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme**
 - **Creation of a Crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme.**

*Land Administration Act and Regulations
Report Requirement BULLETIN*

- o) **To obtain road widenings for Council's road infrastructure improvement, subject to the following criteria:**
- **all alternative routes with regard to road construction or re-construction shall be investigated as part of the design process**
 - **road widening location to be based on sound engineering principles taking into account existing and future road systems**
 - **should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50,000.00**
 - **agreement has been obtained from the affected land owners for the land to be resumed**
 - **no payment of compensation is to be paid until the road widening has been registered with the Titles Office.**

*Land Administration Act, Section 177
Report Requirement File*

- p) **The power to exercise the functions provided by the Bush Fires Act.**
- Bush Fires Act
Report Requirement FILE*

- q) **The power to exercise the functions provided by the Strata Titles Act in the following areas:-**
- **authority to sign certificates issued;**
 - **the ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and**
 - **the ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.**

*Strata Titles Act, Sections 6, 23(5), 42
Report Requirement FILE*

- r) **The power to exercise the functions provided by the Dog Act 1976.**
- Dog Act 1976
Report Requirement FILE*

- s) **To exercise the authority to approve the operation of helicopter joy flights from the Albany Foreshore reserve, adjacent to Princess Royal Harbour.**

*Town Planning Scheme 1A, clause 7.21
Report Requirement FILE*

- t) To exercise the authority to grant the permission of the local government to allow blasting within a townsite, as provided by the Explosives and Dangerous Goods Act 1961, subject to Council's guidelines.

NB: In accordance with Regulation 115(6) of the Explosive and Dangerous Goods (Explosives) Regulations 1963 states that any person who wishes to blast within a townsite must give the clerk of the Council of the local government 24 hours notice of that wish. Therefore, there is no requirement for a delegation from Council, but the Chief Executive Officer may delegate to nominated staff.

- u) In accordance with the provisions of Sections 5.16 and 5.17 of the Local Government Act 1995, agree to delegate to the Albany Town Theatre Advisory Committee, the power to assess and approve performances at the Theatre, subject to budgetary constraints.

*Local Government Act
Report Requirement to Council Records*

- v) In accordance with the provisions of Sections 5.16 and 5.17 of the Local Government Act 1995, Council agree to delegate to the Community Financial Assistance Committee, the power to assess applications for minor community grants and to approve funding allocations up to \$10,000.00, in accordance with the policy "Community Financial Assistance Program Policy".

*Local Government Act
Report Requirement to Council Records*

- w) Gives the Chief Executive Officer authority to assess urgent financial support applications, applying the Legal Representation-Costs Indemnification policy, with any one authorisation not to exceed \$5,000.00.

*Local Government Act
Report Requirement to Council Records*

- x) Gives the Chief Executive Officer the power to approve applications for Notice of Intention to Surrender a Licence under the Liquor Licensing Act 1988, provided the Council's interests are protected.

*Local Government Act
Report Requirement to Council Records*

- y) Gives the Chief Executive Officer the power to refuse applications for third party signage adjacent to rural roads and highways in the City of Albany and authority to prosecute those landowners who continue to display non-approved signage upon their land, contrary to notices issued for the removal of those signs.

*Local Government Act
Report Requirement to Council Records*

CORPORATE & COMMUNITY SERVICES REPORTS

- z) Gives the Chief Executive Officer the power to offer residents within the Willyung area a full kerbside collection service including domestic household waste, domestic recyclables and greenwaste service, as per the provisions of the Waste Minimisation Contract.**

**Local Government Act
Report Requirement to Council Records**

- aa) Gives the Chief Executive Officer the power to dispose of Salvage timber from landfill at a charge of \$10.00 per tonne (inc GST)**

**Local Government Act
Report Requirement to Council Records**

- ab) Gives the Chief Executive Officer the power to administer the Landfill Subsidy Scheme, in accordance with provisions of Delegated Authority as contained in the draft policy.**

**Local Government Act
Report Requirement to Council Records**

- ac) The power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder:-**

- **The power to approve and refuse the issue of building and demolition licences;**
- **The power to serve a stop work order upon a builder;**
- **To grant approval for a building which encroaches over a public place or street; and**
- **To require in-completed buildings completed or removed.**

**Local Government (Miscellaneous Provisions) Act
Report requirement: Bulletin**

- ii) In accordance with the provisions of section 5.42 of the Local Government Act, Council agrees to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:**

Write off any amount of money, including rate debts where the cost of recovering the debt will be greater than the actual debt (maximum \$2,000).

Voting requirement Absolute Majority

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12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

12.6.1 Professional Fundraising Albany Leisure and Aquatic Centre Upgrade

File/Ward	:	CO4019 & MAN 167 (All Wards)
Proposal/Issue	:	Tenders received for Professional Fundraising for Albany Leisure and Aquatic Centre Upgrade Project. Recommendations for Project Continuation
Subject Land/Locality	:	Albany Leisure and Aquatic Centre (Barker Rd)
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Recreation Development Officer (M Weller)
Disclosure of Interest	:	N/A
Previous Reference	:	OCM 17/06/03 - Item 12.2 OCM 07/08/03 - Item 12.2 OCM 12/12/03 - Item 12.2 OCM 15/06/04 - Item 12.6 OCM 15/02/05 - Item 12.6
Summary Recommendation	:	That no tender is accepted for professional fundraising for the project. That subject to council approving a \$4.2 Million contribution and the achievement of Regional Partnerships funding of \$0.5 Million the ALAC upgrade project stage 1, proceeds to detailed design and construction.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

Review of Tender for Professional Fundraising

1. At the OCM 15th February 2005 Council resolved to:

“Approve the advertising of a request for tender for professional fundraising for the Albany Leisure and Aquatic Centre with a proposed fee structure commensurate to that outlined in the item.

That the tender contains a clause allowing for council to not select any tender should it chose not to continue with professional fundraising.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

2. The tender was subsequently advertised in Local and State Newspapers and an email notice circulated nationally to all members of the Fundraising Institute of Australia
3. While 10 tender packs were requested and numerous phone enquires received only two submissions were lodged in the Tender box. Both of these submissions were deemed non-conforming.
4. The first submission from Exponential Fundraising (formally Appeals Plus), who completed the feasibility study indicating that \$1,000,000 could be raised, addressed the selection criteria however failed to comply with compliance criteria a) that:

“Either complies with the proposed fee structure... or proposes an alternate fee structure which limits the business risk of the City of Albany to a maximum amount of \$25,000”
5. The company indicated that its fees would be \$15,500 (ex GST) per month for 9 months, regardless of the amount of money raised. This represents a potential business risk to the City of Albany of \$139,500.
6. Despite verbal assurances from the company’s managing director to council at a briefing session, that they would provided assurances to minimize business risk in any tender they submitted for the project this was not reflected in their submission.
7. The second submission by fundraising firm O’Keefe and Partners indicating they believed they had the experience to meet the criteria however indicated that the company had concerns that the City’s proposed fee structure was not enough to allow them to complete the campaign in the timeframe specified.
8. The letter indicated that laws of other Australian states specify that fundraising costs cannot equal more than 40% however the company did not specifically commit or propose any fee structure indicating they would limit the fees to 40% of the total raised.
9. In the event that these assurances were provided, 40% of total fundraising amounts still potentially represents an unacceptable level of fees.
10. During a subsequent phone conversation one of O’Keefe and Partners managing partners indicated that they would not usually have fees lower than \$15,000 per month and believed that the ALAC upgrade campaign should be held over a longer period than 9-months.
11. Given the nation wide extent of tender advertising, the non-complying nature of both tenders received and the level of uncertainty, business risk and potential for harm to the project in the event of fundraising failure if either tender were accepted and the unlikelihood of negotiation with either tenderer resulting in a favorable outcome it is recommended that the City reject both tenders and seek alternate methods of raising the required amount for the project.

Item 12.6.1 continued.

STATUTORY REQUIREMENTS

12. There are no statutory requirements relating to this item

POLICY IMPLICATIONS

13. There are no policy implications relating to this item

FINANCIAL IMPLICATIONS

Recommended Project Budget

14. Given re-calculation of the project budget based on the City of Albany finance committee's recommendation that \$4,200,000 is contributed to the project (not including the Gym which is to be funded by a self supporting loan), the potential current funding scenario for the upgrade project is:

Department of Sport and Recreation	\$1,500,000	
Lottery West	\$ 328,000	
State Government additional contribution	\$ 500,000	
City of Albany funding	\$4,200,000	
Regional Partnerships	\$ 500,000	(advice pending)
Gym Business Unit Self Supporting Loan	\$ 645,000	
Shortfall/ Community Fundraising	\$ 300,000	(not confirmed)
Total	\$7,973,000	(estimate Aug 05)

Alternative fundraising method

15. An alternative method of raising the \$300,000 shortfall amount is for the City of Albany to hold a public meeting to inform the community of the status of the project and invite interested Albany Service clubs and Albany Leisure and Aquatic centre key stakeholders to take responsibility for sections of a community fundraising campaign.
16. Research indicates that where a professional campaign could raise up to \$1,000,000 (subject to unacceptable business risk) with sufficient input from service organisations and key stakeholders a community run campaign could raise \$300,000, though the timeframe would not be guaranteed.
17. It is noted that managing a community fundraising campaign is labour intensive and sufficient expertise or capacity does not currently exist within the City of Albany staff. As professional fundraising is not feasible, without the assistance of community service clubs or key sporting organisations agreeing to manage a campaign its operation would not be possible.

Recommendation for project continuation

18. In order to commence construction late in 2005, the next stage of the project - appointment of project manager would need to commence in May 2005, followed by the design/ working drawings and building tender process. It is likely that securing community fundraising of \$300,000 may take up to 12 months and delay in commencing the project to wait for fundraising could result in a greater escalation while the fundraising was taking place.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

19. It is recommended that components to the value of \$300,000 be identified as being the items, which community fundraising contributions would fund. These items will remain in the design and tender documents however in the event that sufficient funds are not raised within a specified period before the deadline for their construction these would be removed from the project.
20. Analysis of the recent itemised opinion of probable cost in conjunction with the project team who completed the concept design gives two items most feasible for this purpose. The first is the 50m-water slide (\$165,994), which is an item likely to inspire fundraising support and ultimate success. The water slide is planned as a stand-alone element with its own splash chute.
21. The second item, the vehicle bridge over drain (\$172,144) is a design solution which facilitates traffic flow to the planned new car parking, reducing pedestrian walk distance from that car park to the centre entrance. In the event funds could not be raised for this it could be added in the second stage and a pedestrian only bridge included in the first stage. It is anticipated that this bridge will need to be constructed at some stage to allow for traffic flow as part of the Centennial park recreation precinct plan for that area.
22. Other items were not feasible for removal as they have been specifically identified by current funding providers as being the subject of their grant allocation or they could not be removed without severely compromising the project design or net operating revenue.
23. It is anticipated that the benefits of this method are that it allows the project to continue on the projected timeline with the core benefits to the Albany community to being gaurenteed while allowing time to raise final funds and avoids further significant building escalation related costs.
24. It is also noted that current costings are estimations only and that the final cost will not be known until tenders are called. In the event sufficient community funds are not raised and tenders arrive under budget the specified elements would not need to be removed. In the event that community fundraising was over the required amount this could be put towards the second stage of the project.
25. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A healthy City, Albany's Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.

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

City of Albany Mission Statement

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

Item 12.6.1 continued.

Priority Projects

City Facilities Project 31. Albany Leisure and Aquatic Centre.”

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

27. There is no comment/discussion relating to this item.

RECOMMENDATION

THAT;

- i) no tender is accepted for professional fundraising for the project; and**
- ii) subject to Council funding being confirmed (item 12.7.3) and regional partnership contributing \$500,000 to the project:-**
 - a) tenders are called for a project manager to manage the appointment of architects, sub-consultants, design process, construction tenders and construction;**
 - b) the design and any subsequent tender documents allow for the removal of the water-slide and bridge over drain elements, in the event that sufficient additional funds are not raised in order for them to be constructed; and**
 - c) that the City hosts a public meeting with the aim eliciting support from key stakeholders and service groups to raise funds for the project elements detailed above.**

Voting Requirement Simple Majority

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CORPORATE & COMMUNITY SERVICES REPORTS**12.6.2 Bayonet Head – Flinders Park Community Oval Needs Assessment**

File/Ward	:	GOV 023 (Yakamia Ward)
Proposal/Issue	:	Needs assessment submitted by the Flinders Park P& C for comment.
Subject Land/Locality	:	Bayonet Head/ Lower King
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Recreation Development Officer (M Weller)
Disclosure of Interest	:	N/A
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the needs assessment and appends comments detailed in this item. That the City completes a feasibility study 'in house' with \$1,500 allocated for the provision of external quantity surveying services for detailed options.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. In late 2004 the State Government committed \$200,000 towards an upgrade of the Flinders Park School oval.
2. At a meeting attended by City executive and a council representative, the Flinders Park oval project committee presented a draft upgrade plan to council and indicated their intention to request funding from the City as they believed the oval had significant community use and no other active facilities were provided for the community in that area.
3. The committee was informed of the City of Albany Bayonet Head Outline Development Plan adopted by council in June 2001, which provides for a large area of active public open space centrally located to service the Bayonet head and Lower King communities, and that the timeline for construction of these facilities is subject to purchase of the land and commencement of works by developers.
4. It is noted that the Flinders Park oval is not the most appropriately located long-term site for these facilities as it is not located centrally between the two communities and it would necessitate the purchase of adjacent blocks of private land.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued.

5. It was resolved that in order to investigate the level of short term demand and quantify usage issues the Flinders Park Primary School P&C association would complete a needs assessment in relation to the oval.
6. The needs assessment was completed 1st April 2005, comments in relation to this study follow below.
7. The committee is to be commended for presenting a well-researched, professional study involving significant community volunteer work in a short time frame.
8. The study refers to the need for playground facilities and parks close to children's homes. Current reserves provided within the area are aimed at meeting this type of local need, current management planning is reviewing play equipment/ infrastructure within these reserves and the current asset master plan maintenance items contained within the City of Albany budget are replacing worn equipment where necessary.
9. Given this the Flinders park school oval is not the most appropriate site for City funded local community play infrastructure.
10. The study indicates that 82% of respondents travel to town to participate in sport or physical activity. The City's Recreation planning locates Centennial Park Precinct as the venue for major municipal recreation facilities such as the Albany Leisure and Aquatic centre, Regional Hockey Turf and Albany Sports Centre.
11. As such it is planned that residents of all areas of Albany will travel 'to town' as the central location for these facilities. Duplication of major facilities such as the Aquatic centre, in satellite urban areas, will not be feasible for the medium term (20+ years).
12. The study however demonstrates a strong community need and desire for playing field type active open space and some associated sporting facilities and amenities, particularly for junior training, within the area to satisfy current demand.
13. If these facilities were located at the Flinders Park School Oval they would be an interim measure only until City facilities are developed as part of the Bayonet Outline Development Plan.
14. It is noted that the active area of public open space mentioned in the Bayonet Head Outline Development Plan is currently at the bottom of the reserves priority list due to the fact that it is not known when additional residential development will commence. When advice/ a timeline is received from developers in relation to this the priorities would be review and possibly a higher priority allocated.
15. It is recommended that sufficient justification is provided in the needs analysis to proceed with the investigation of several options for either provision of interim facilities/ infrastructure at the Flinders Park School Oval or to expedite the development of facilities adopted as part of the Bayonet Head Outline Development Plan.
16. It is recommended that as the investigation be in the form of a succinct feasibility study/ cost benefit analysis.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued.

17. It is predicted that the engagement of a consultant for this study would cost in the order of \$10,000 - \$15,000 and there would not be sufficient staff time saving after supervision and administration requirements to justify this expenditure.
18. Given the nature of proposed facilities and their interlinked nature with the City's recreation provision strategies and planning it is recommended that the study be completed in house with an amount of \$1,500 set aside from job # 3526 *Recreation Development Officer Miscellaneous Projects* to contract a professional quantity surveyor to provide costings for various options.
19. It is recommended that as part of this study preliminary recommendations are made in relation to the nature of facilities to be constructed as part of the provision recommended in the Bayonet Head Outline Development Plan which allocates the land area and usage only.
20. The flinders park P & C have agreed to provide assistance with the study if necessary in the form research and comment in relation to various options, however it is noted that project control for the study and responsibility for making its recommendations/ conclusions would reside with the City of Albany.

STATUTORY REQUIREMENTS

21. There are no statutory requirements relating to this item

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

23. \$1,500 would be required to be allocated from job # 3526 *Recreation Development Officer Miscellaneous Projects* to fund quantity-surveying costs for study options.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A healthy City, Albany's Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.

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

City of Albany Mission Statement

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

Item 12.6.2 continued.

Priority Projects

This is not listed as a City Priority Project.”

COMMENT/DISCUSSION

25. It is noted that given the current Recreation Development Officer workload completing priority projects as part of the Albany 3D corporate plan, work on the study would not be able to commence before June 2005 and the study would require the commitment of 60-80 hrs of Recreation Development Officer and 5-10 hrs of other staff time.

RECOMMENDATION

THAT the City of Albany accepts the ‘Bayonet Head – Flinders Park Community Oval Needs Assessment’ with an appendix to be added to the executive summary detailing the contents of points 5 – 19 above as the City’s comments in relation to the study.

Voting Requirement Simple Majority

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RECOMMENDATION

THAT;

- i) the City completes a feasibility study/ cost benefit analysis in relation to investigation of several options for either provision of interim facilities/ infrastructure at the Flinders Park School Oval or to expedite the development of facilities adopted as part of the Bayonet Head Outline Development Plan;**
- ii) as part of this study preliminary recommendations are made in relation to the nature of facilities to be constructed as part of the provision recommended in the Bayonet head outline Development Plan which allocates the land area and usage only; and**
- iii) \$1,500 is allocated from job # 3526 *Recreation Development Officer Miscellaneous Projects*, being for the services of a quantity surveyor to provide costings for options outlined in the study.**

Voting Requirement Absolute Majority

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12.6.3 Acceptance of the Disabilities Services Grant

File/Ward	: MAN 169 (Fredrickstown Ward)
Proposal/Issue	: Acceptance of disabilities services grant for pool hoist and specialist equipment for the Albany Leisure and Aquatic Centre.
Subject Land/Locality	: Albany Leisure and Aquatic Centre, Barker Rd, Albany.
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager, Albany Leisure and Aquatic Centre (D Schober)
Disclosure of Interest	: N/A
Previous Reference	: Nil
Summary Recommendation	: That council accepts the grant funding allocation of \$18,533 from the Independent Living Centre of WA.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. In December 2004 the Albany Leisure and Aquatic Centre applied for funding to install a new swimming pool hoist and specialised sporting equipment for people with disabilities.
 2. Currently ALAC does not have a pool hoist which prohibits persons with mobility issues from using the pool. The grant funding allows ALAC to purchase, install and train staff in the use of the hoist at no cost to the City of Albany.
 3. The pool hoist has a ten year warranty for all parts and service requiring no ongoing maintenance expenses for the life of the equipment.
 4. The hoist will become the property of the City of Albany upon acquittal of all funds as per the funding agreement.
- Adaptive equipment.
5. ALAC at present can only offer limited services to persons with disabilities due to the limited resources available at the Centre. The specialised sporting equipment will allow persons with disabilities to participate in sporting and recreational activities as well as integrating these activities with mainstream programs.
 6. The WA Disabled Sports Association has agreed to maintain and train staff in the use of this equipment at no cost to the City of Albany.

Item 12.6.3 continued.

7. The equipment will become the property of the City of Albany upon acquittal of all funds as per the funding agreement.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. The funding allocation of \$18,533.00 includes 10% GST.

Pool hoist.

11. The cost of installation is included. There are no on-going maintenance issues as the equipment includes a 10 year warranty for all parts and service.

Adaptive equipment.

12. Gifted to the Centre. No maintenance or further expenditure required.

STRATEGIC IMPLICATIONS

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

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

- Diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

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

Priority Projects:

N/A”

COMMENT/DISCUSSION

14. There is no comment/discussion relating to this item.

RECOMMENDATION

THAT Council accepts the Independent Living Centre of WA’s grant funding of \$18,533 for the provision of a pool hoist and specialised sporting equipment for ALAC.

Voting Requirement Simple Majority

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12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Town Hall Theatre Advisory Committee meeting minutes – 2nd February 2005

File/Ward	:	SER 047 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Albany Town Hall Theatre Advisory Committee held on 2 nd February 2005 be adopted.

RECOMMENDATION

THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 2nd February 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

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CORPORATE & COMMUNITY SERVICES REPORTS

12.7.2 Albany Arts Advisory Committee meeting minutes – 16th March 2005

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 16th March 2005 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 16th March 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

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12.7.3 Finance Strategy Advisory Committee meeting minutes –30th March 2005

File/Ward	:	FIN 066 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Finance Strategy Advisory Committee held on 30 th March 2005 be adopted.

RECOMMENDATIONS

THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 30th March 2005 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following motions adopted:-

THAT;

- i) a) the Yakamia property (adjacent to the new City Administration /Civic Centre Building be identified as the City's first land development release; and
- b) Council call tenders for project management/engineering services on the proposed Yakamia subdivision development, including preparation of a business plan in accordance with Section 3.59 of the Local Government Act (1995) and the undertaking of the statutory requirements for subdivision;
- ii) the Five Year Business Plan annual rate increase be 1% per annum above the anticipated Consumer Price Index increase;
- iii) a) the Five Year Business Plan annual Asset Masterplan capital expenditure level be set at \$3.0 million for 05/06 and \$2.5 million for 06/07 to meet outstanding commitments, and that \$1.5 million of surplus land sales be used to fund a portion of the 05/06 and 06/07 requirements; and
- b) the Five Year Business Plan annual Asset Masterplan capital expenditure for 07/08 and subsequent years be set at \$2.0 million (inflated annually by the infrastructure index) plus additional expenditure funded externally;
- iv) the Committee incorporate higher revenue projections into the Five Year Business Plan based on a projected increase in annual population growth to 3.0% in 2009/10; and
- v) Council approach Hon Wilson Tuckey regarding the establishment of a Regional Infrastructure Program.

Voting Requirement Simple Majority

Item 12.7.3 continued.

THAT Council commit \$4,200,000 to the Leisure and Aquatic Centre Upgrade to be funded from an 04/05 budget carryover of \$360,000, a long term loan of \$2,340,000 and a short term interest only loan of \$1,500,000 which will be repaid from the proceeds of the Yakamia land development or converted to a principal and interest reducible loan.

Voting Requirement Absolute Majority

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12.7.4 Town Hall Theatre Advisory Committee meeting minutes – 6th April 2005

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Town Hall Theatre Advisory Committee held on 6th April 2005 be adopted.

RECOMMENDATION

THAT the minutes of Town Hall Theatre Advisory Committee held on 6th April 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and in relation to item 6.5.1 (Exhibition Space Rentals), the Committee recommendations be circulated to local exhibitors and the Albany Arts Community for comment prior to final determination by Council.

Voting Requirement Simple Majority

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12.8 COUNCIL REPRESENTATION

Nil.

Development Services

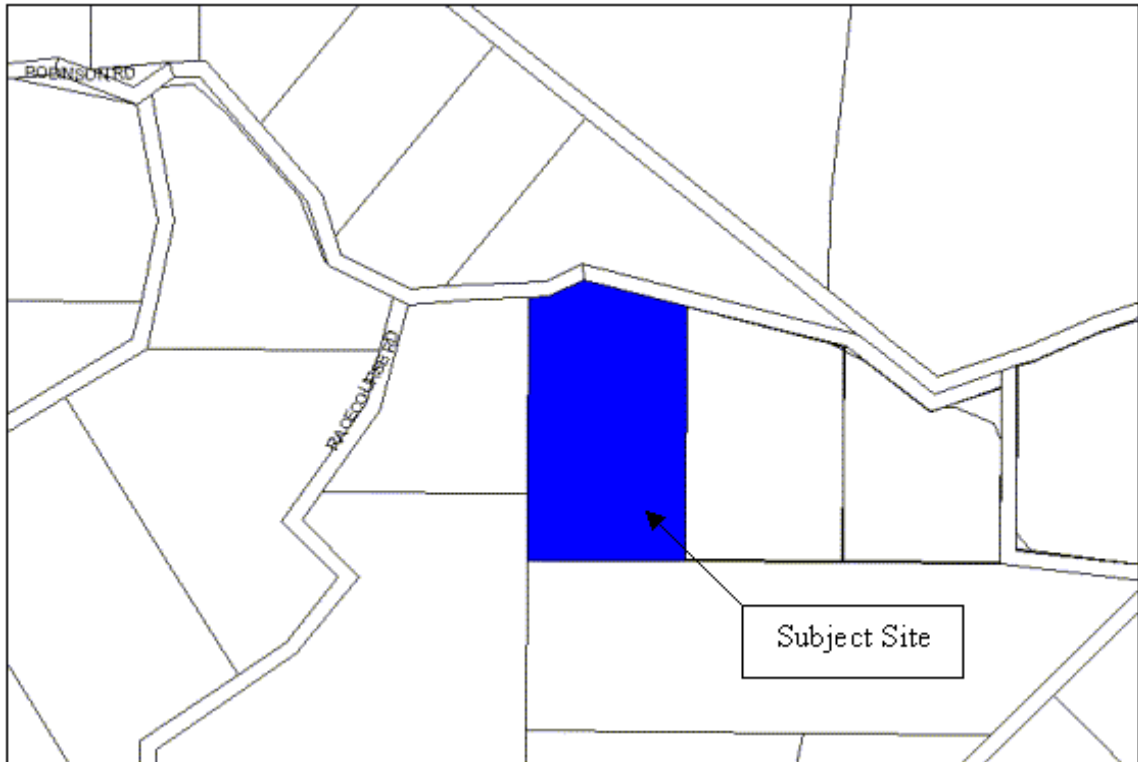
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application – Single House and Chalet – 245 Robinson Road, Robinson

File/Ward	:	A18580 (Vancouver Ward)
Proposal/Issue	:	Single House and Chalet – Does not comply with the 'Development Guidelines' for Town Planning Scheme No.3.
Subject Land/Locality	:	245 Robinson Road, Robinson
Proponent	:	Dean & Birdie Shekell
Owner	:	Colin & Maureen Wallrodt
Reporting Officer(s)	:	Planning Officer (J Devereux)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To grant conditional Planning Scheme Consent
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received to build a new dwelling at 245 Robinson Road, Robinson and also to change the use of the existing dwelling to a chalet. Refer to attached site plan.
2. The property is zoned 'Rural', it is just over 7 hectares in size and the original dwelling was approved in 1978. Under the 'Water Source Protection Plan' for the South Coast the property is within the 'Priority 2' protection area.
3. The proponent has lodged an offer to buy the property, subject to this application being approved. The proponents intend to build a new dwelling and then to renovate and make available the existing dwelling for short term accommodation.
4. Under Council's 'Development Guidelines' for Town Planning Scheme No.3, for a chalet to be approved on a rural property in an area within the 'Priority 2' public water protection area, it needs to be located on a lot with a minimum of 10 hectares in area.

STATUTORY REQUIREMENTS

5. Within Town Planning Scheme No. 3 (Scheme) the property is zoned "Rural".
6. Under the Scheme, a 'Chalet' use is classified as a 'Use Not Listed' and is required to be advertised. No objections were received from the adjoining landowners or from the DoE during the advertising period.

POLICY IMPLICATIONS

7. Under the 'Development Guidelines', up to three chalets can be approved on a 'Rural' zoned property. However, if the property is within the Priority 2 water resource protection area it is required to be over 10 hectares in area.
8. The property is within the Priority 2 water resource protection area and is only 7 hectares in size. The proposal is also proposing for only 1 chalet, as opposed the allowable number of 3 if the property was over 10 hectares in size.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The property is within 'Princess Royal Harbour 2(a) Planning Precinct' of Council's 'Local Rural Strategy'. The strategy identifies the potential for rezoning the area to 'Special Rural', on the basis that a density of one dwelling per 2 hectares would be achieved. The proposed application would create two dwellings on a property of just over 7 hectares in size. This density would be consistent with the future zoning likely to be applied to the area.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

COMMENT/DISCUSSION

11. The proposal was referred to the Department of Environment (DoE) for their comment on land capability. The DoE had no objections to the proposal and recommended some conditions to be imposed. The conditions related to the need for the use of 'Alternative Treatment Units' for effluent disposal and to specify setbacks from the units to surface water and water production bores. Staff believe that these recommendations should be supported and included in the conditions for approval.
12. On the basis of the comments received from the DoE, and as the proposal is only for one Chalet, Council Staff feel that the application should be approved with conditions.

RECOMMENDATION

THAT Council resolves to grant Planning Scheme Consent for a Single House and a Chalet at 245 Robinson Road, Robinson, subject to the following conditions:

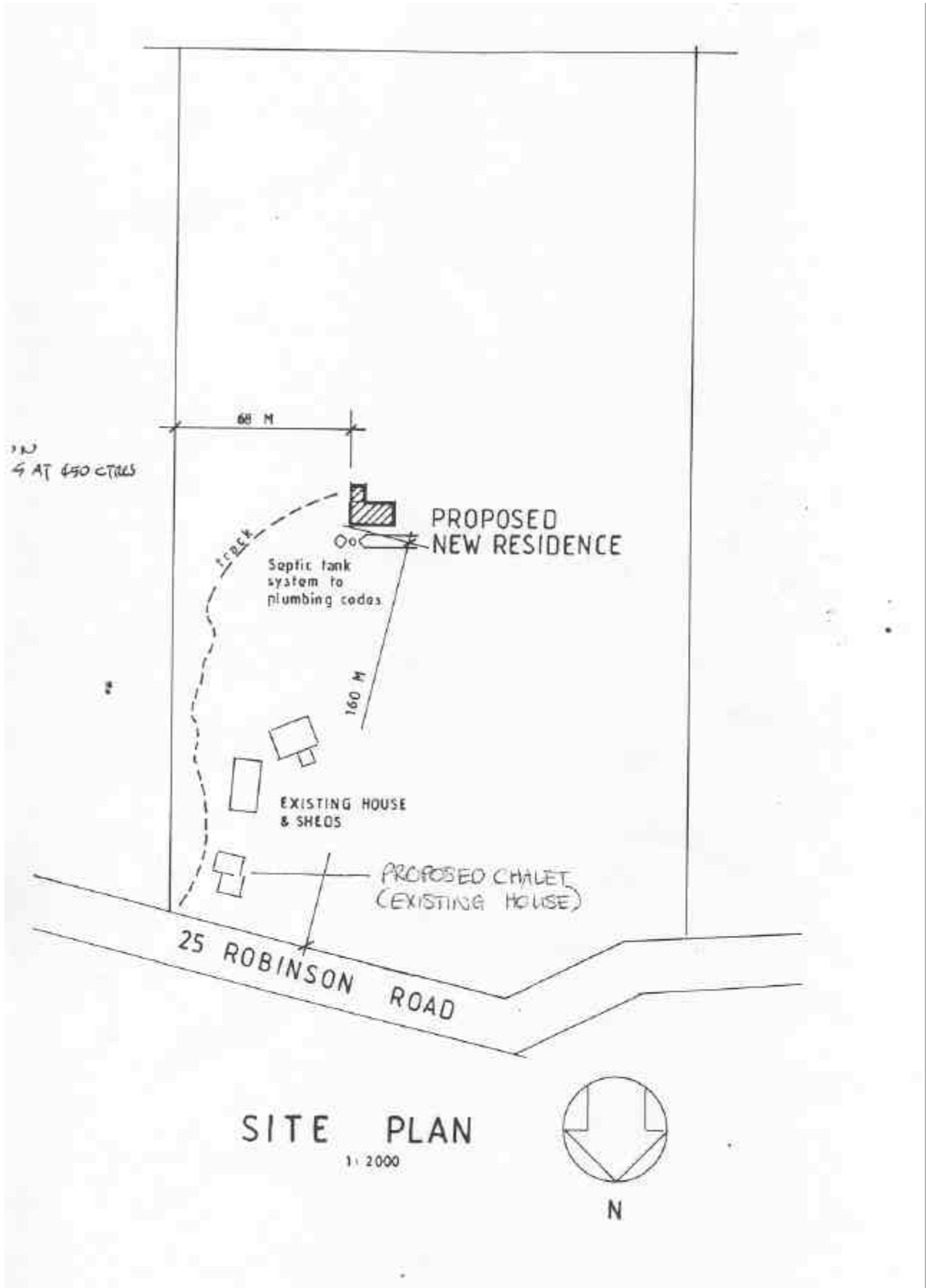
- i) an Alternative Treatment Unit being required for both the Dwelling and the Chalet;
- ii) the effluent disposal system being located a minimum of 100m away from all surface water bodies and production bores;
- iii) the chalet is to be used for short stay accommodation only; and
- iv) a water tank of no less than 92,000 litres (20,000 gallons) is to be provided and connected to the chalet and the tank is to be fitted with a two tap system to the satisfaction of the City Ranger whereby the lower 27,600 litres (6,000 gallons) can only be accessed by fire fighters

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING AGENDA – 19/04/05
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

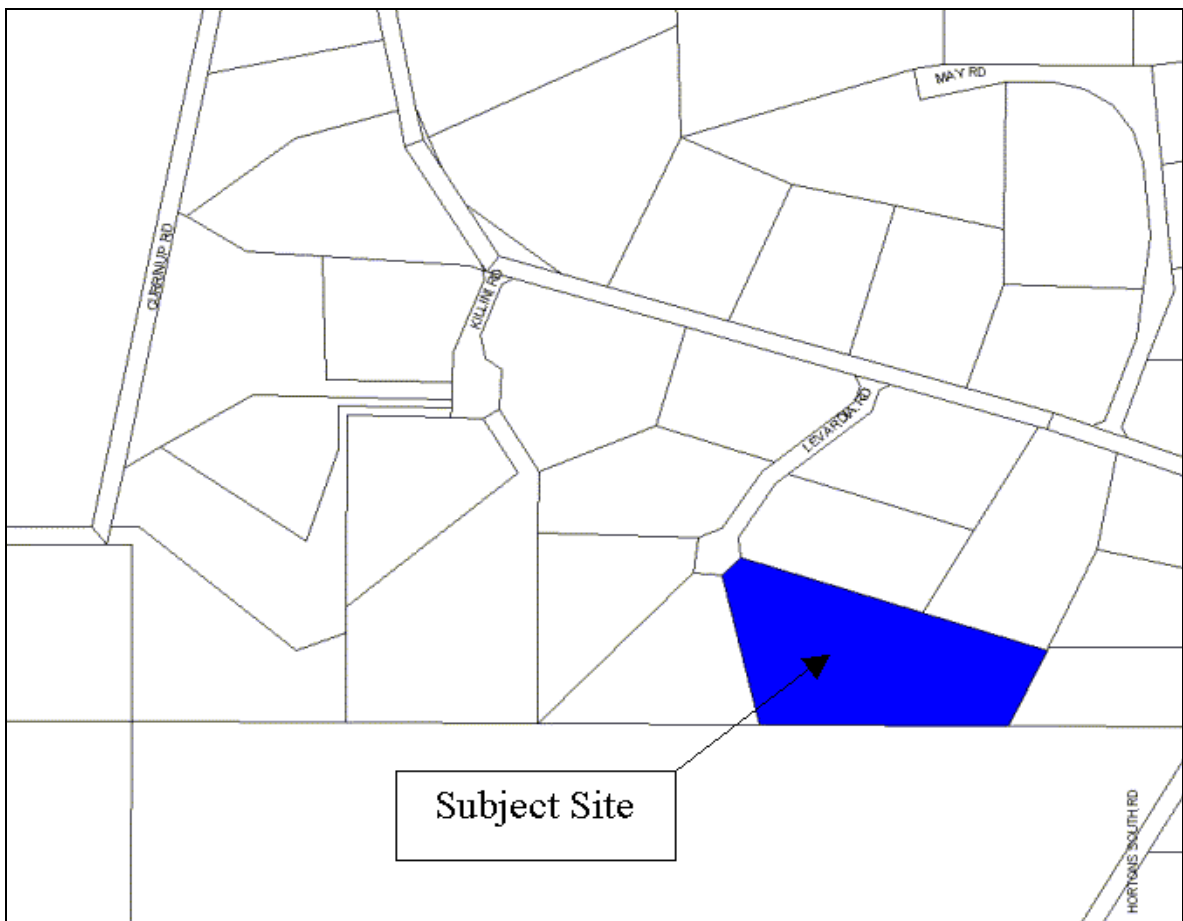
Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application – Outbuilding – 27 Levardia Road, Kronkup

File/Ward	:	A51354 (West Ward)
Proposal/Issue	:	Development application for a non complying (over size and overheight) outbuilding.
Subject Land/Locality	:	27 Levardia Road, Kronkup
Proponent	:	Larry Boston
Owner	:	Adrian Downey
Reporting Officer(s)	:	Planning Officer (J Devereux) Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Refuse Planning Scheme Consent
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. Council has received a development application for an outbuilding with a floor area of 176m² at 27 Levardia Road, Kronkup (refer to attached site plan). The property is zoned 'Special Rural' and is 4.4 hectares in area.
2. In accordance with Council's Outbuilding Policy, an outbuilding over 150m² is outside the discretion of Staff to approve in the 'Special Rural' zone. The proposed outbuilding is also over the allowable roof gable height by 300mm.
3. A proposed pergola has been shown attached to the outbuilding, however as the pergola does not have a solid roof, the floor area of this structure is not included in the floor space calculations.
4. The applicant has outlined the need for the outbuilding in the attached letter. In general the applicant requires the shed to store machinery for use on the property and also to store the tools of his trade.

STATUTORY REQUIREMENTS

5. The property is zoned 'Special Rural' under Town Planning Scheme No 3.2 (B).

POLICY IMPLICATIONS

6. The outbuilding policy has 'Standard Requirements' to control the setback and size of outbuildings. If an outbuilding does not comply with these standards, staff can permit a relaxation, subject to a proposal meeting the requirements for 'Non-Complying Outbuildings'. If the application does not comply with the second set of criteria, the outbuilding 'will not be permitted'.
7. The requirement for a 'Non-Complying Outbuilding' in the 'Special Rural' zone specifies a maximum floor area of 150m² per lot. As the proposal would bring the total amount of floor area to 176m², and exceeds the maximum height requirements by 300mm, Council needs to decide whether it should uphold its policy, or relax the policy in this instance.
8. All other aspects of the policy have been complied with.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

The City of Albany is committed to ...

- *providing sound governance*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Priority Projects

Nil.”

COMMENT/DISCUSSION

11. The required relaxation for the proposed outbuilding is 26m² for the floor area and 300mm for the roof gable height. Whilst the over height relaxation is minimal, an additional 26m² (or a 6m by 4m shed) is a substantial increase over and above the maximum floor space restriction of 150m².
12. The proposed outbuilding will be set back 30m from the closest boundary, which adjoins 'Rural' zoned land. The applicant has indicated that he will plant screening vegetation between the proposed outbuilding and this boundary. The applicant has also proposed to clad the outbuilding in green coloured 'Colorbond®', which is a non reflective material, in accordance with the 'Outbuilding Policy'.
13. The applicant has outlined the requirement for the extra space being the need be able to lock up all his equipment while he is away for long periods. As outlined on the floor plan, most of the area of the outbuilding has been designated for large pieces of machinery.
14. With the exception of a slasher and tractor, which could be used to work on the property, the majority of storage area is needed to accommodate tools and equipment associated with a welding business, inclusive of a light truck and work trailer. There is also a considerable area set aside for a toilet, shower, kitchen sink and basin within the outbuilding, which are non-standard features associated with an outbuilding in a Special Rural area.

RECOMMENDATION

THAT Council resolve to grant Refusal of Planning Scheme Consent for the construction of an oversized and overheight outbuilding at 27 Levardia Road, Kronkup due to the following reasons:

- i) the floor area of the outbuilding is greater than the maximum area permitted under Council's Outbuilding Policy;
- ii) the height of the outbuilding (to the gable) is greater than the maximum area permitted under Council's Outbuilding Policy; and
- iii) a significant portion of the outbuilding's floor area is proposed to be utilised for vehicles and equipment associated with a welding business, and does not represent standard domestic storage requirements.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING AGENDA – 19/04/05
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



Larry Boston Design
PHONE (08) 98 415618
35 FESTING STREET, ALBANY, 6330 WESTERN AUSTRALIA
design@omniinet.net.au

25 February 2005

Mr. Andrew Hammond ATTENTION - John Devereux

Chief Executive Officer

Albany City Council

221 York Street,

Albany W.A. 6330

CITY OF ALBANY RECORDS	
FILE:	A 51354
FILE:	
25 FEB 2005	
DOC:	ICR502486
OFFICE:	PLAN6
ATTACH:	PLANS

Dear John, In reference to: P 255044

Lot 41 Levardia Road, Kronkup.

Enclosed Please find three revised sets of Drawings for the Proposed Machinery Storage Shed at 27 Levardia Road, Kronkup.

As discussed over the phone on 11 February 2005 with you (John Dereux), the shed is 160 square metres being oversize from 150 m2 and that it will have to go to a council meeting for their decision.

As this step is required the owner has now re-accessed his needs in the shed and has decided to make the shed larger now 176 m2 and lock up all his equipment.

Mr Downey the owner is a specialist welder that has to spend time away from his property working for mining companies.

Because of the nature of his work he carries different welding and cutting equipment pending on the type of work he has to do at the time.

The size of the shed now reflects that equipment that he has to have available at any one time, for in the case of emergency breakdowns he will be asked to be on site with the right equipment for that job at short notice.

Since taken ownership of this property Mr Downey has spent a lot of time and money landscaping the area with formed ponds, contour banks, and tree planting around existing house. He has managed to provide a very pleasing grassed tree bank around the concrete water tank to reduce the visual impact of the Tank.

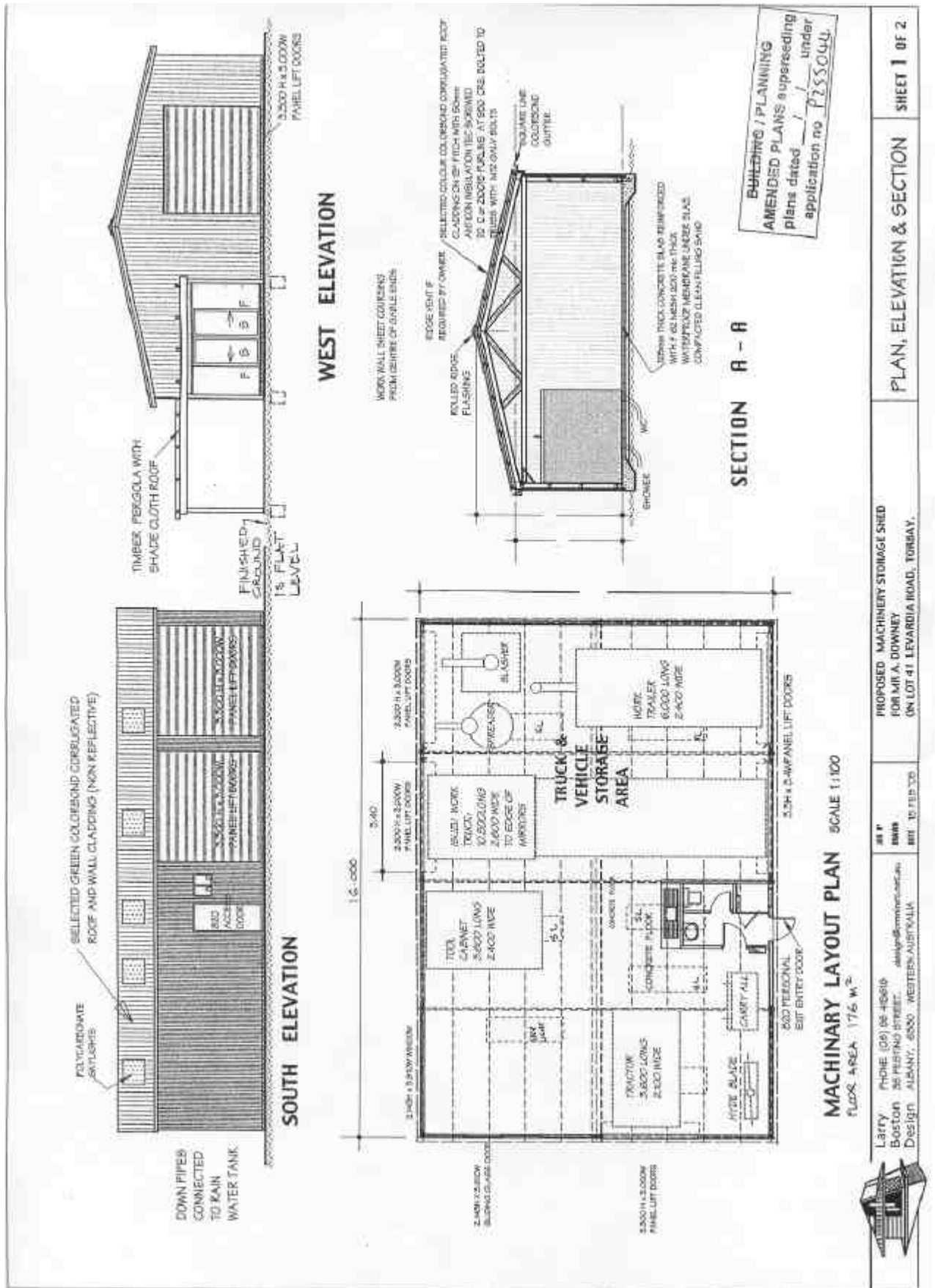
I hope you can now view his needs favourably

Yours Sincerely

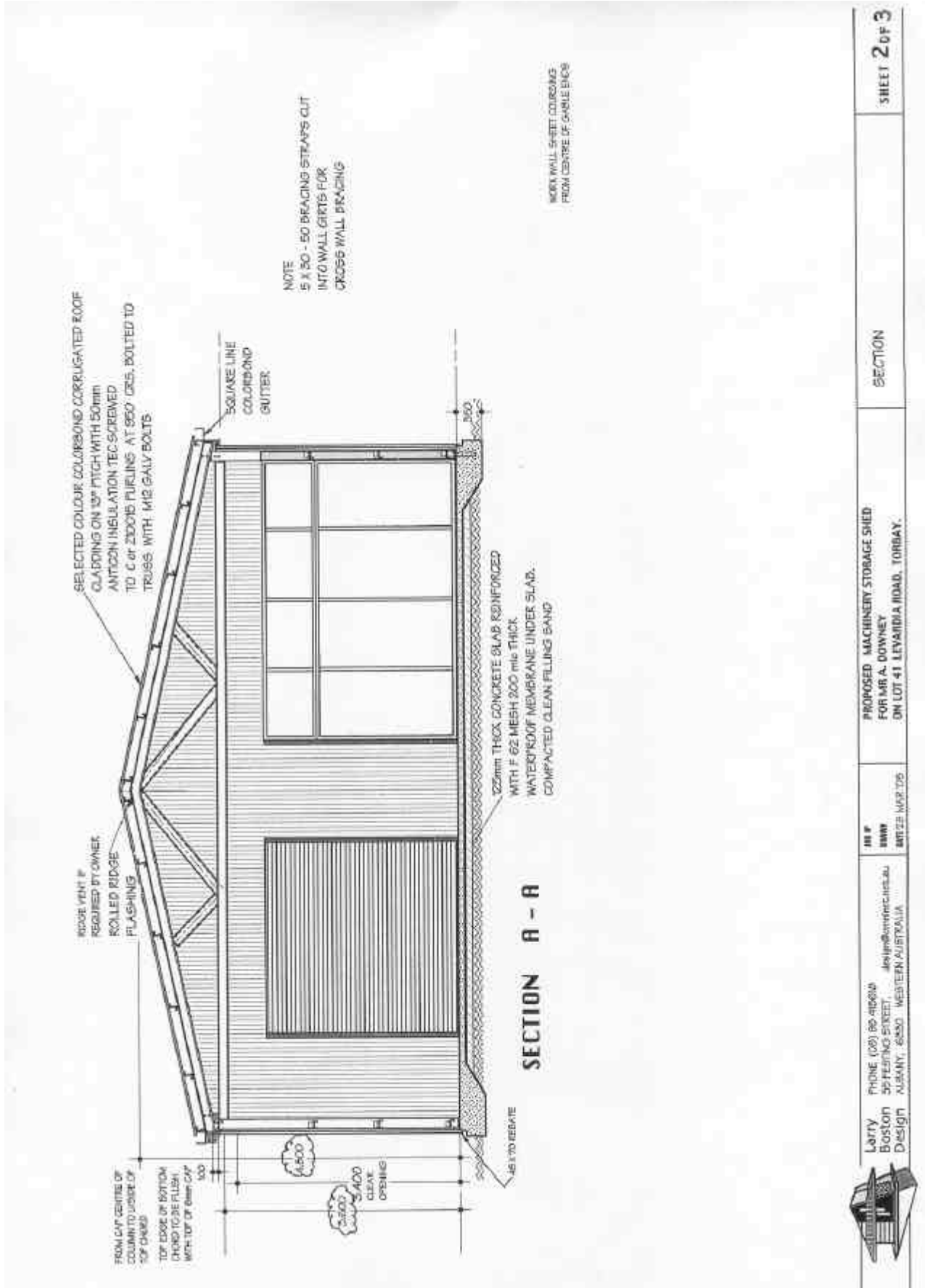
Larry Boston Design



Item 11.1.2 continued

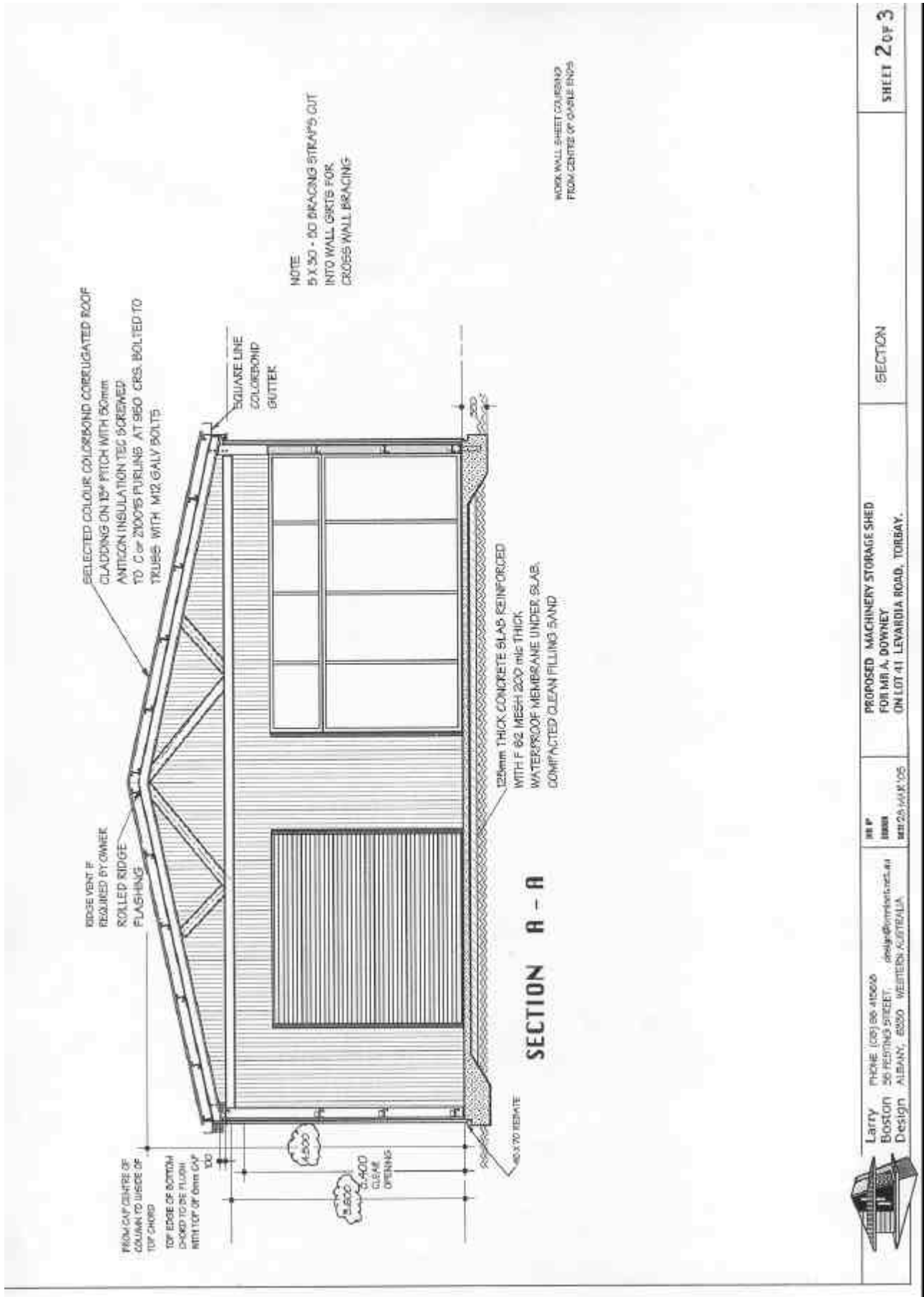


Item 11.1.2 continued



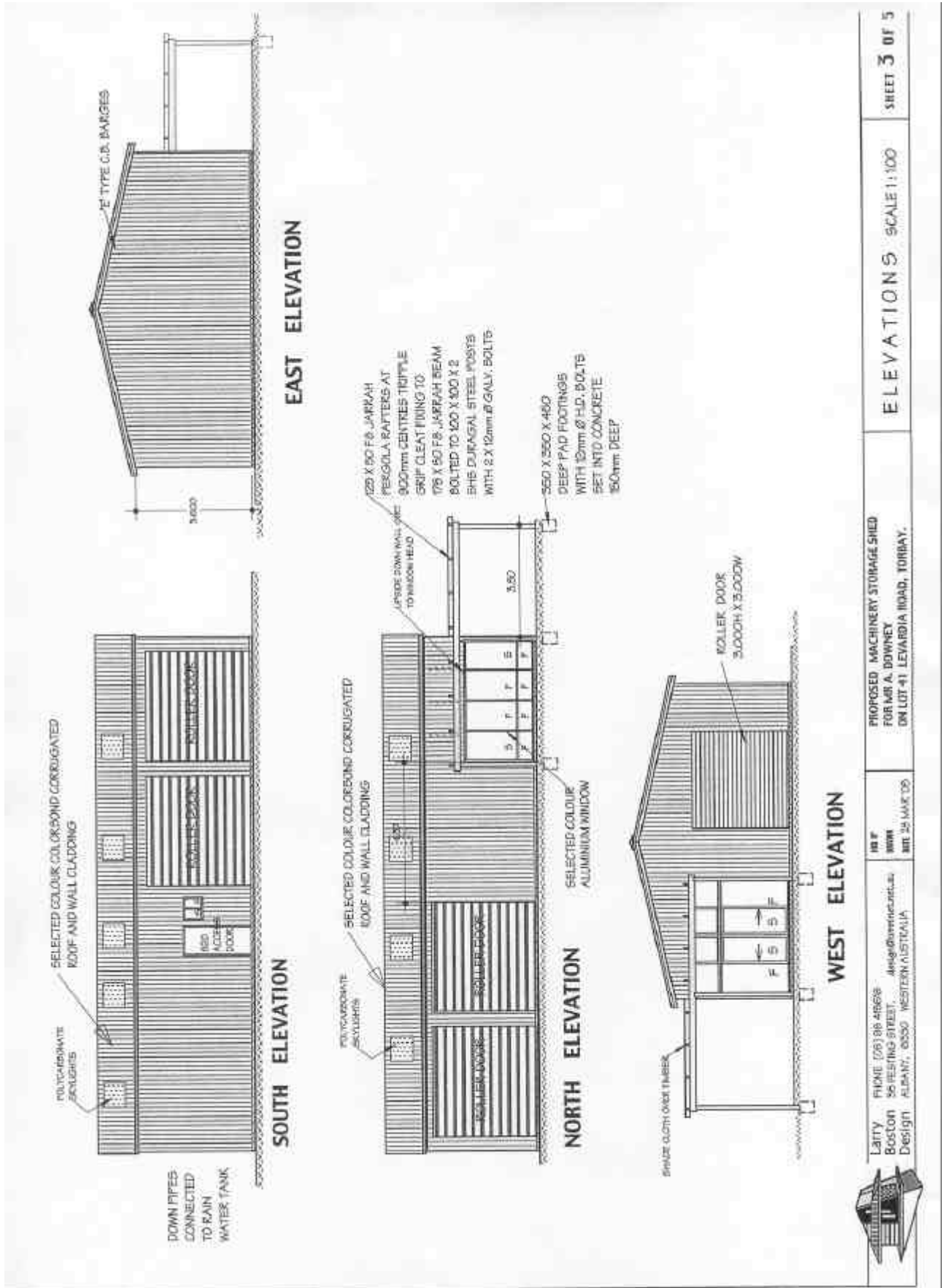
	LATTY Boston Design PHONE (08) 80-41006 55 PERSING STREET MUSKAY, 6000 WESTERN AUSTRALIA info@lattyboston.com.au	100 P 10000 DATE: MAR 05	PROPOSED MACHINERY STORAGE SHED FOR MR A. DOWNEY ON LOT 41 LEYBARRIA ROAD, TORBAY.	SECTION	SHEET 2 OF 3
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Item 11.1.2 continued



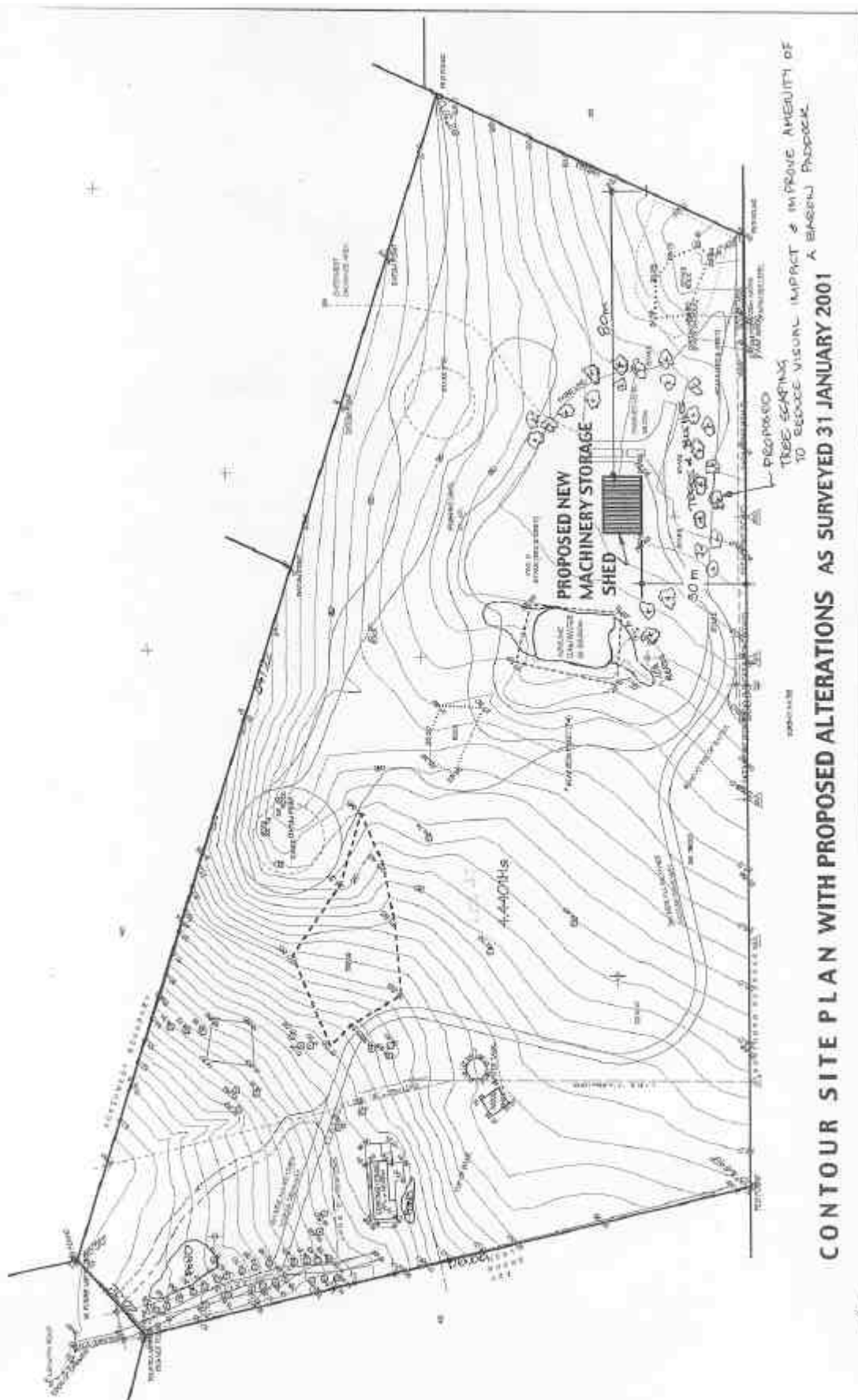
SHEET 2 OF 3	SECTION	PROPOSED MACHINERY STORAGE SHED FOR MR A. DOWNEY ON LOT 41 LEVARDIA ROAD, TORBAY.	MR P 18888 18/2/05 (M) P. 05	Larry Piche (02) 95 41000 Boston 50 HESTING STREET Design ALBANY, 4950 WESTERN AUSTRALIA email: larry@larrypiche.com.au
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Item 11.1.2 continued



	LATTY FRICKE (08) 948 4668 Boston 56 YEERING STREET Design ALBANY, 6550 WESTERN AUSTRALIA	110 P 1100 INT. 25 MAR 05	PROPOSED MACHINERY STORAGE SHED FOR MR A. DOWNEY ON LOT 41 LEVARDIA ROAD, TORRAY.	ELEVATIONS SCALE: 1:100	SHEET 3 OF 5
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Item 11.1.2 continued



CONTOUR SITE PLAN WITH PROPOSED ALTERATIONS AS SURVEYED 31 JANUARY 2001

	Larry Boston Design PHONE (08) 946 4848 20 FORTING STREET, ALBERT, 5030, WESTERN AUSTRALIA email@larryboston.com.au	30 P 1000 1000 1000	PROPOSED MACHINERY STORAGE SHED FOR MR A. DOWNEY ON LOT 41 LEVARIDIA ROAD, TORRAY.	SITE PLAN SCALE: 1:1000	SHEET 2 OF 2
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DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Day Care Centre - 78 Minor Road, Orana

File/Ward : A110710 (Vancouver Ward)

Proposal/Issue : Day Care Centre

Subject Land/Locality : Lot 157, (78) Minor Road, Orana

Proponent : Simon and Narelle M^cInerney

Owner : Simon and Narelle M^cInerney

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

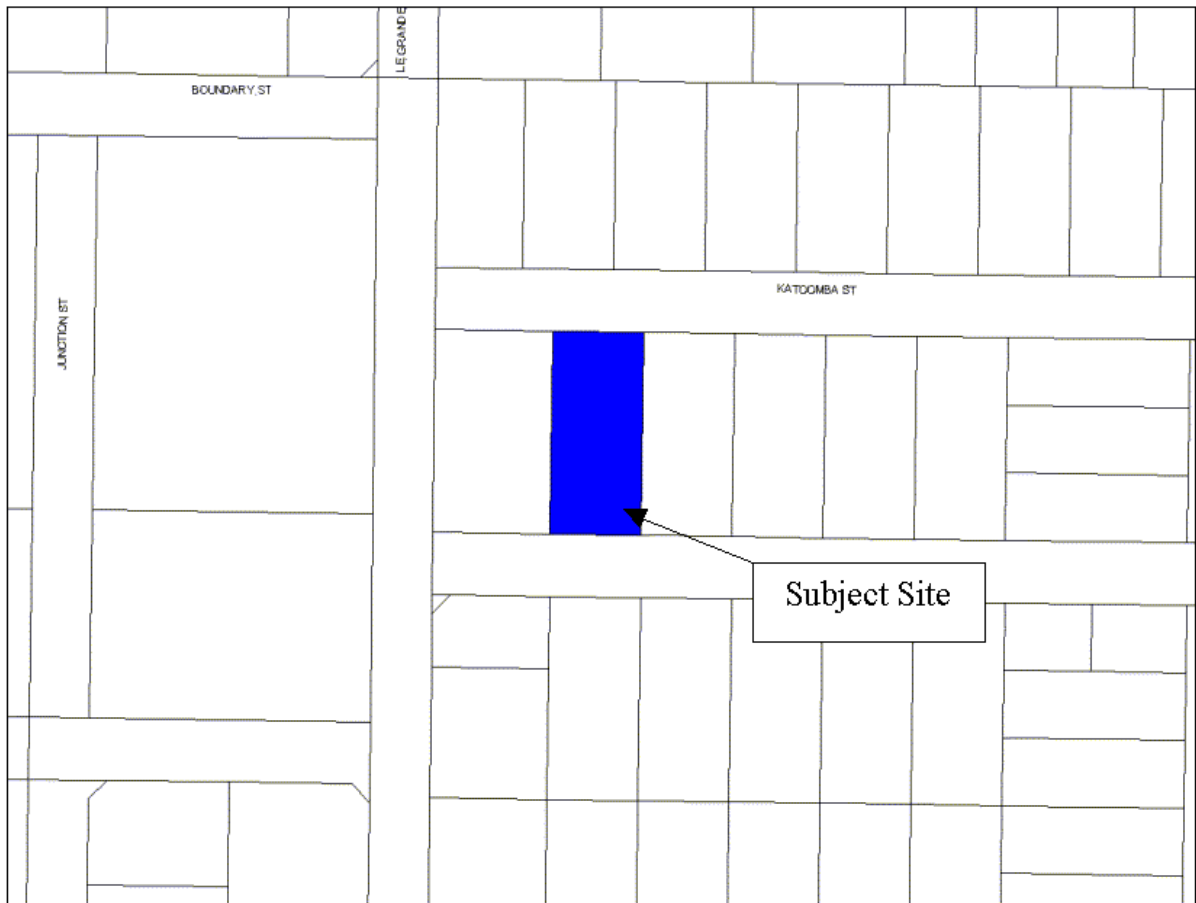
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Issue Planning Scheme Consent

Bulletin Attachment : Incoming correspondence

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. In May 2004 approval was granted to the existing residence to be used for a “family day care” to accommodate a maximum of seven (7) children at 78 Minor Road, Orana (see attached plan).
2. An application was then received in January 2005 for a “day care centre” to be constructed on the same property to accommodate 35 children. On referral to the local community, no objections were received. The applicant then made an amendment to the proposal to accommodate an additional 15 children, total 50 children. On a second referral to the local community three (3) letters objecting to the proposal were received, copies are included in the Elected Members Report / Information Bulletin.
3. Noise, traffic congestion, parking and the provision of amenities for the children were the most relevant issues raised in the letters objecting to the proposal.

STATUTORY REQUIREMENTS

4. The property in question is zoned “Residential (R20)” in Town Planning Scheme 1A in which a “Day Care Centre” is not permitted unless planning consent is granted by the Council, after notice has been given in accordance with Clause 7.5. The requirement of this clause of the scheme has been complied with.

POLICY IMPLICATIONS

5. The Town Planning Scheme 1A does not provide car parking standards for day care centres.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

The City of Albany is committed to ...

- *providing sound governance.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

8. The property in question is 1973m² in area and at present accommodates a residential dwelling with planning approval for “family day care” activities for up to 7 children.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

9. The application being considered involves the development of an additional single storey building with amenities, outdoor play areas, landscaping adjacent to the street, separate points of entry and exit to Katoomba Street and provision for car parking.
10. Three letters were received from properties located further down Katoomba Street, all raising concerns about noise, provision for child amenities, traffic congestion and car parking created by the accommodation of some 50 children.
11. Staff contacted the applicants in order to clarify the intended control measures. The applicant advised staff, that through consultation with their direct neighbours, a good level of understanding has been reached and if development goes ahead, measures to control noise are to be undertaken including:
 - Sound proofing the walls and roof area;
 - Construction of a colourbond fence along the boundaries; and
 - Restricted hours for outdoor activities, 10.00 – 11.30am and 3.30 – 4.30pm.
12. In relation to traffic congestion, Katoomba Street is a 'local access street', capable of accommodating 3000vpd. The street currently accommodates approximately 1000 vehicles per day over a seven-day average. Based on these levels, an increase in vehicles due to the operation of a day care centre accommodating 50 children is not expected to impact on Katoomba Street's maximum capability.
13. Based on traffic counts taken at other day care centres (Midvale and Canning Vale – Perth) it has been determined that traffic is generally spread over two 3 hour peak periods and that full concentration of traffic does not occur in these peak periods. The applicant expects a similar experience for this centre with an expected drop off time between 7.45am and 9.30am and pick up time between 3.00pm and 6.00pm. At the most nine to ten vehicles were expected at any one time.
14. As stated previously, Council does not have a policy for the provision of car parking in relation to the use of a day care centre. The plans illustrate separate points of entry and exit, and the provision for 11 car bays (including one for disabled). Council has previously adopted the ratio of 1 car bay per staff plus 1 per 10 children for the development of a day care centre on Lion Street. This ratio is standard across other Council's and when applied to this application, 11 car bays are required (the number provided).
15. In relation to the provision of amenities, child care centres are required to be licensed as a premises in which a child care service may be provided. The service needs to comply with either the *Community Services (Child Care) Regulations 1988* or the *Community Services (Outside School Hours Care) Regulations 2002*.
16. If the centre complies with the standards set by the relevant regulations and the measures are taken to control noise, the centre is expected to be a welcome addition for the care of children in the community. Having considered the information supplied with the application and analysed the issues raised in the letters, staff recommend that the application be approved.

Item 11.1.3 continued

RECOMMENDATION

THAT Council resolves to grant Planning Scheme Consent for a “day care centre” to accommodate a maximum of 50 children at 78 Minor Road, Orana subject to but not limited to the following conditions:

- i) the walls and roof area for the new building being suitably insulated to reduce noise;**
- ii) a 1.8m high solid metal boundary fencing being constructed around the area where children will play;**
- iii) a schedule of finishes for the building being provided to the satisfaction of staff; and**
- iv) signage being provided on site to display points of ‘Entry’ and ‘Exit’ to the car park;**

Voting Requirement Simple Majority

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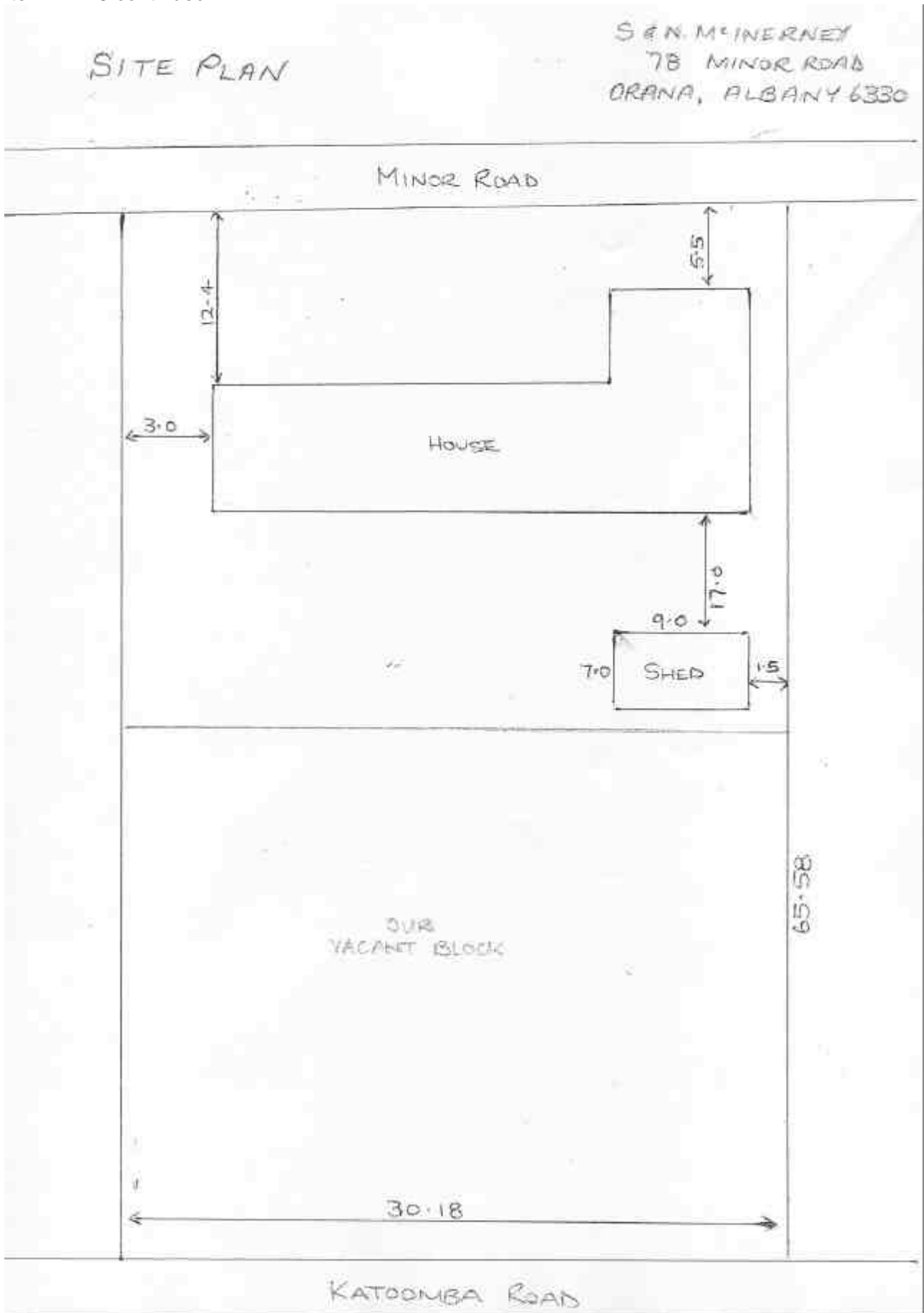
THAT Council delegate to the Manager Planning and Ranger Services authority to issue a Conditional Planning Scheme Consent approval for the development of a “day care centre” at 78.Minor Road, Orana.

Voting Requirement Absolute Majority

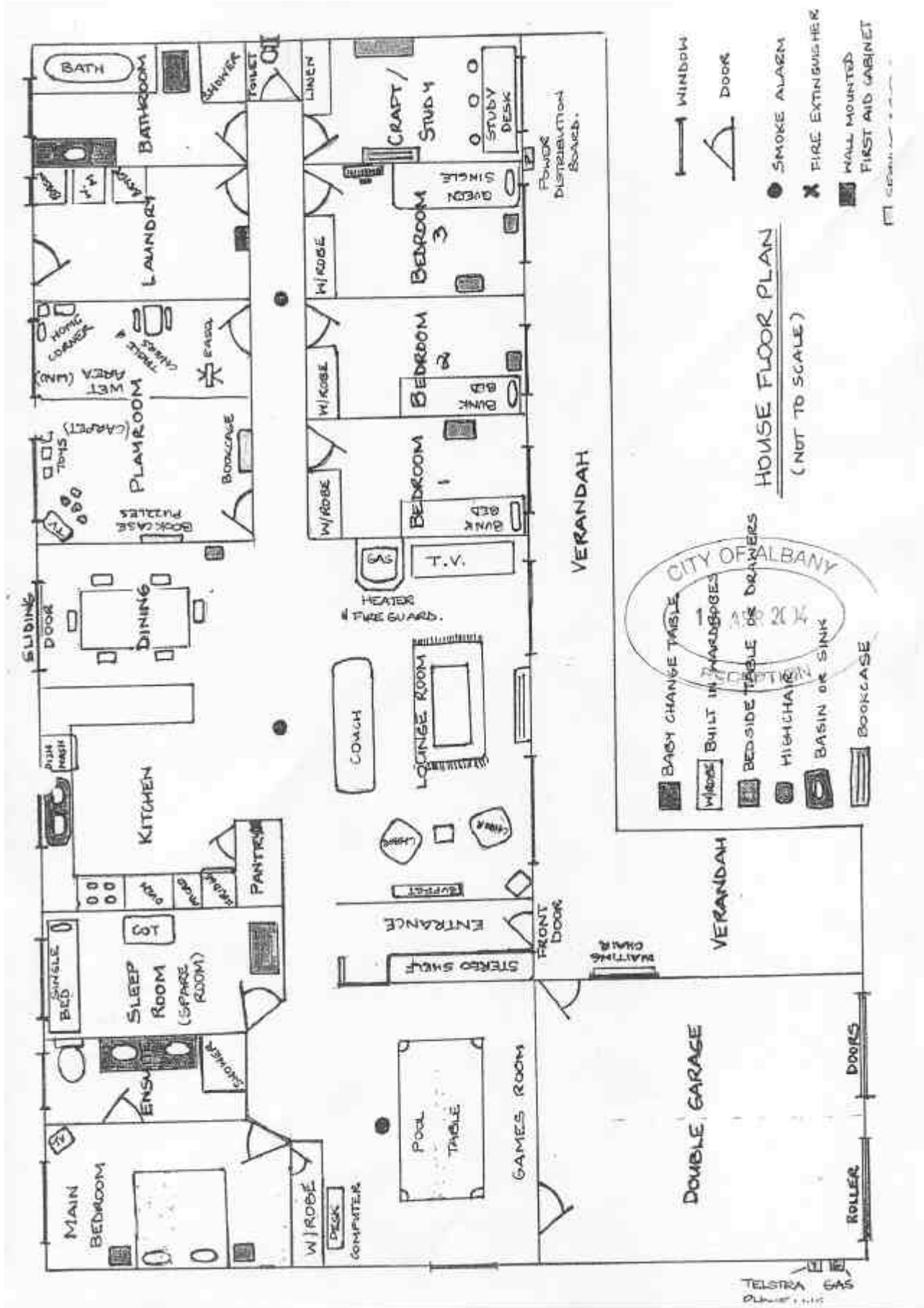
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DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



Item 11.1.3 continued



DEVELOPMENT SERVICES REPORTS

11.1.4 Development Application – Grouped Dwelling – 1-3 John Street, Mt Clarence

File/Ward	:	A93610 (Frederickstown Ward)
Proposal/Issue	:	Develop Grouped Dwellings
Subject Land/Locality	:	Lot 9 of Albany Town Lot 286, 1 – 3 John Street, Mt Clarence
Proponent	:	CV & JM Lester
Owner	:	CV & KM Lester
Reporting Officer(s)	:	Planning Officer (T Sounness)
Disclosure of Interest	:	Nil
Previous Reference	:	TS & DC 20/8/1996 – Item 7.40.4 TS & DC 20/8/1996 – Item 7.40.6 PBH 11/7/84
Summary Recommendation	:	Issue Notice of Planning Scheme Consent Refusal
Bulletin Attachment	:	Previous Council Items
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. The subject land is 939m² in area, fronts a gazetted road reserve (John Street) and is within the John Street Policy Area.
2. An application was received for the development of a grouped dwelling on the land by way of building an additional dwelling to the rear of the existing house, with access by way of an access leg. The dwelling has been designed to minimise impact on the site and protect the privacy of the adjoining landowners. (Refer attached plans).
3. A previous application to develop a grouped dwelling on this land was considered by the former Town of Albany in 1996. (Refer agenda items within the Elected Members Report/Information Bulletin).

STATUTORY REQUIREMENTS

4. The land is zoned “Residential” under Town Planning Scheme No 1A, and the density coding for this land is R-20. The land can accommodate the development of two dwellings under the R-20 Coding.

POLICY IMPLICATIONS

5. The land is within the ‘John Street Policy Area’. The adopted Development Guideline Policy for Town Planning Scheme No 1A relating to this area specifies as follows:

“2.7.1 John Street - developments upon lots fronting John Street shall be restricted to single dwellings until appropriate traffic management and/or calming is initiated to accommodate anticipated traffic volumes.”

According to this policy, a grouped dwelling cannot be supported until works have been completed to meet anticipated traffic volumes.

FINANCIAL IMPLICATIONS

6. The adoption of a road upgrading strategy would require land resumptions to incorporate land into the road reserve and additional road works to create on-street car parking and other infrastructure.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

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

Mission Statement

The City of Albany is committed to...

- *providing sound governance.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

Priority Projects

Nil

COMMENT/DISCUSSION

8. John Street is accessed by Matthew Lane and Luke Lane, and they are road reserves approx 5.6m in width. John Street has no on-street car parking, streetlights, or footpaths and suitable access to services (garbage trucks do not have an adequate turning area). Many of the properties have no verge to separate the front of the properties from that of the street pavement.
9. Pursuant to Western Australian Planning Commission Development Control Policy 2.6, an 'Access Place' requires a reserve width of not less than 10 to 14.5m including 4 to 5.5m of paved carriageway in order to service up to 200 vehicle movements per day.
10. It appears that some buildings have been setback from the road in anticipation of road resumptions, however there are no immediate plans by Council to undertake such work (refer attached photo's).
11. There is also no plans to create a one way traffic flow along John Street.
12. There are six other properties fronting John Street that are greater than 900m² and therefore have the potential to be developed for the purpose of grouped dwellings. If all the lots were to be developed to their maximum potential a total of 25 dwellings could be created yielding approximately 200 vehicle movements per day.
13. Staff believes that any additional traffic along John Street should be avoided as the road network is of an insufficient width. Approval for this application would also set a precedent for other lots greater than 900m² on John Street to apply for grouped dwellings.

RECOMMENDATION

THAT Council resolve to issue a Notice of Planning Scheme Consent Refusal for the development of a Grouped Dwelling at Lot 9, 1-3 John Street, for the following reasons:

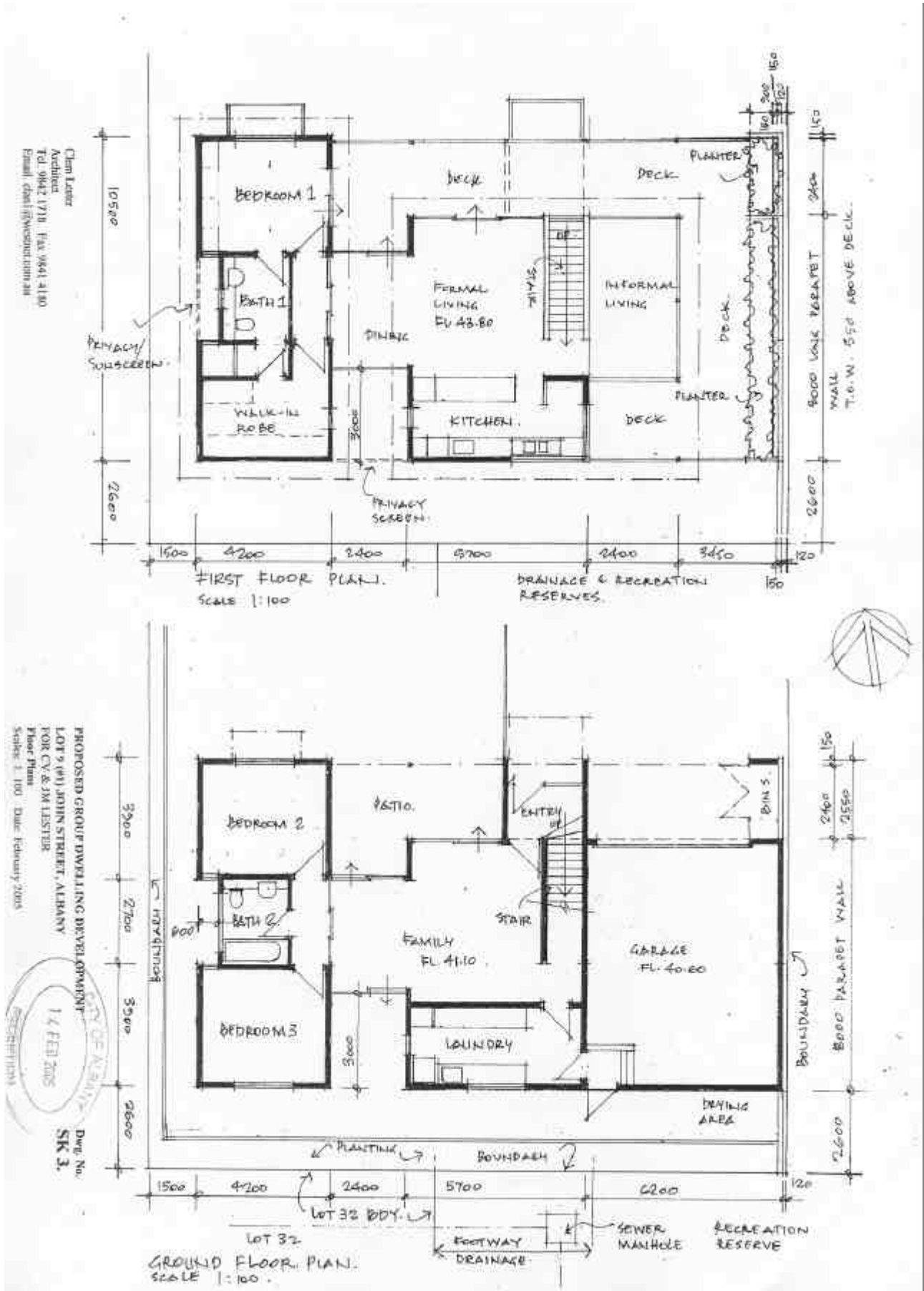
- i) the development is contrary to Council's adopted policy;
- ii) John Street is unable to accommodate additional traffic being generated; and
- iii) Council has no capacity to upgrade John Street to accommodate additional vehicle movements.

Voting Requirement Simple Majority

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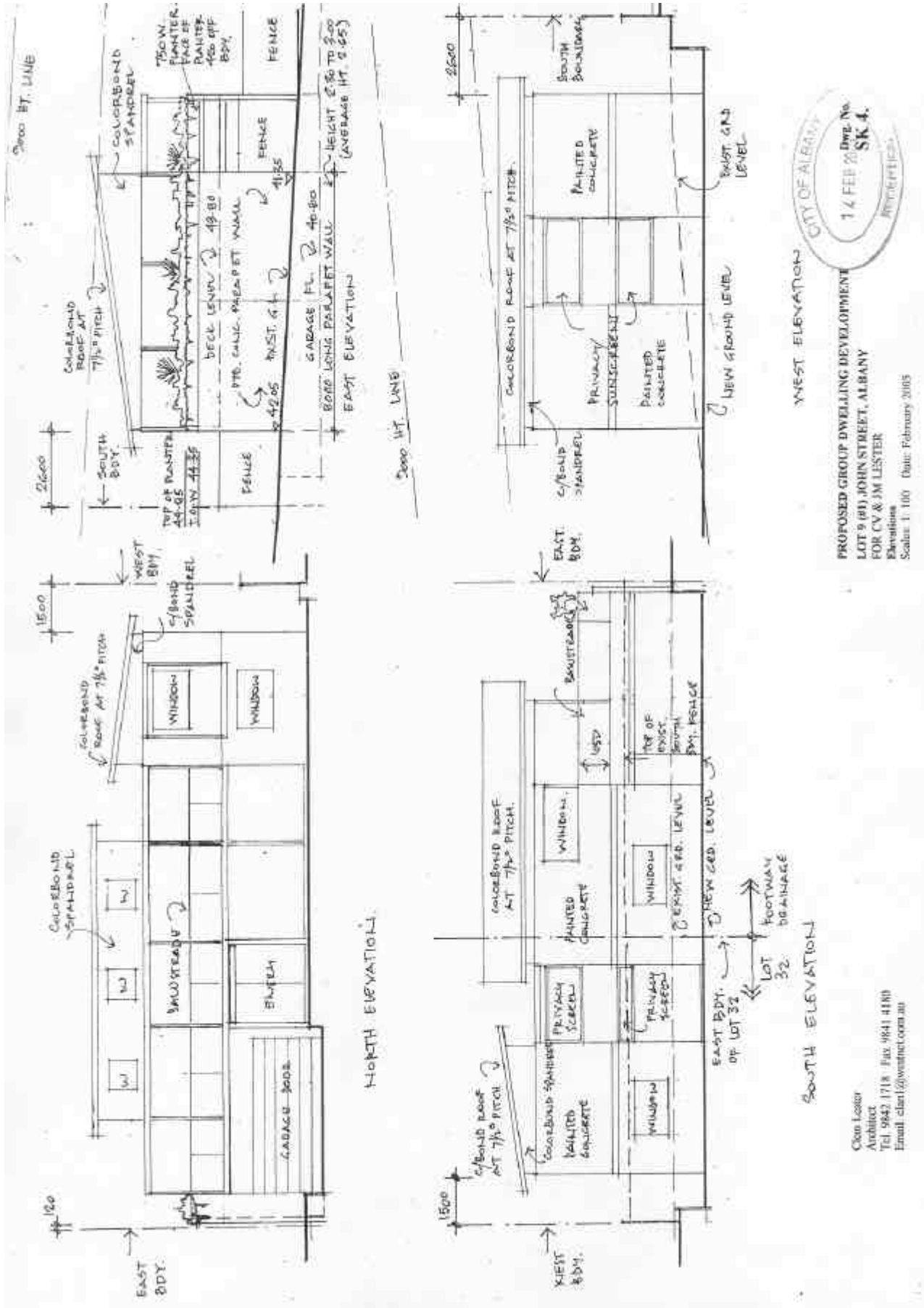
ORDINARY COUNCIL MEETING AGENDA – 19/04/05
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

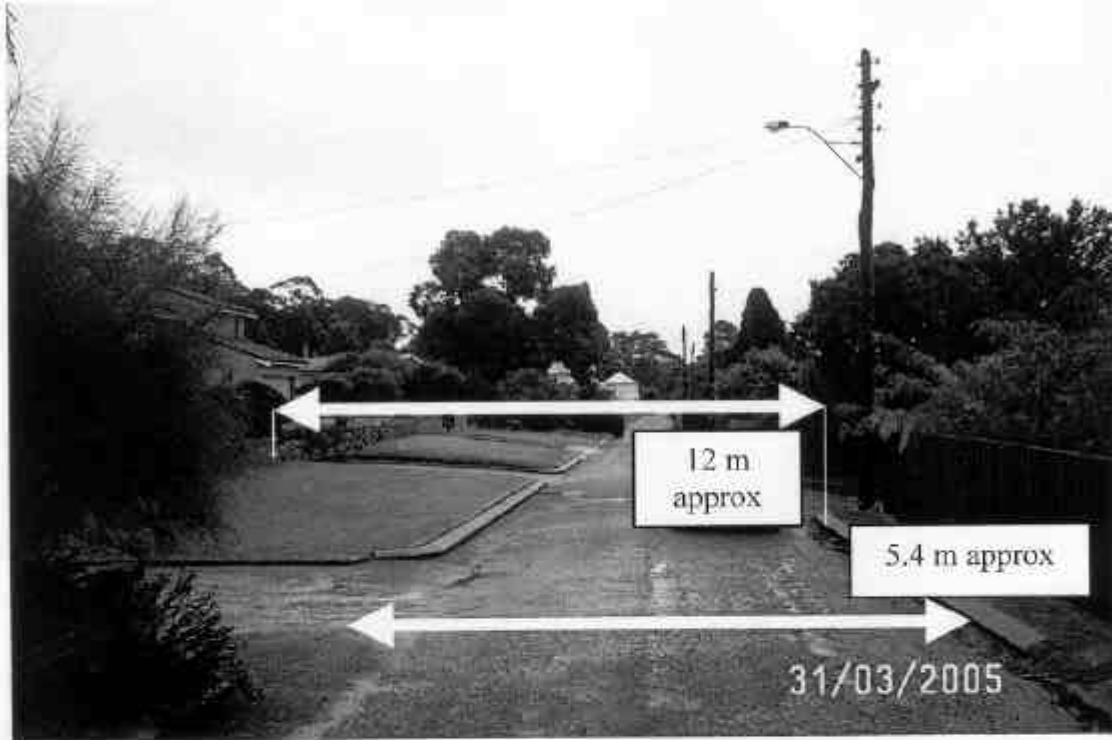


DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



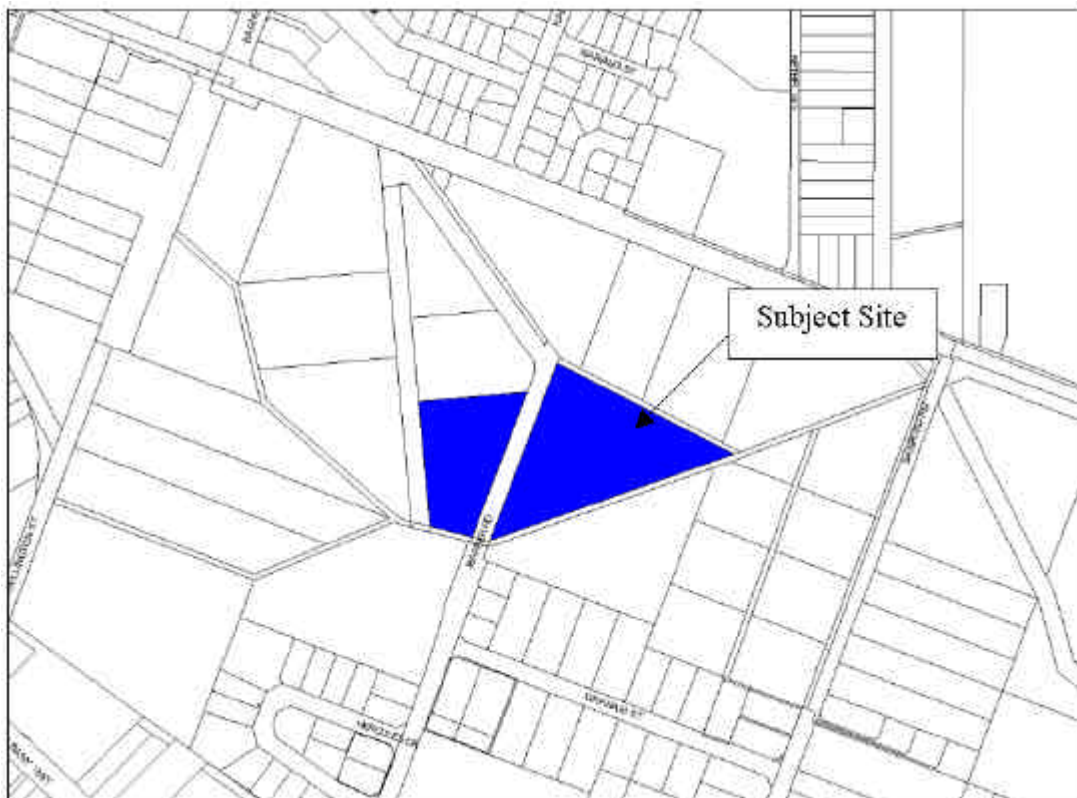
Item 11.1.4 continued



DEVELOPMENT SERVICES REPORTS

11.1.5 Development Application – Albany Leisure and Aquatic Centre (ALAC) – Exercise of Executive Authority

- File/Ward** : A136289 (Frederickstown Ward)
- Proposal/Issue** : Exercise of Executive Authority to issue Planning Scheme Consent
- Subject Land/Locality** : Loc AT742 (52-70) Barker Road, Centennial Park
- Proponent** : City of Albany
- Owner** : City of Albany
- Reporting Officer(s)** : Manager Planning & Ranger Services (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/06/03 - Item 12.2.2
OCM 07/08/03 - Item 12.2.10
OCM 12/12/03 - Item 12.2.5
OCM 15/06/04 - Item 12.6
- Summary Recommendation** : Seek support for staff's actions to act outside of delegated authority
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. Council recently received correspondence from the Regional Partnerships (RP) Program (a division of the Department of Transport and Regional Services) advising that in order to proceed with Council's funding request of \$500,000 for the upgrade of ALAC, planning scheme consent needed to be issued.
2. Mr Pat Mulligan of the RP Program advised the following:

"Further to our telephone conversation of this morning (and in Mark Weller's absence on leave this week), I am seeking further clarification concerning the status of any development approvals required for the proposed redevelopment. The reason for this is that Regional Partnerships requires that development approvals must be in place for all infrastructure projects."
3. On 24 March 2005, staff issued planning scheme consent for the upgrade to ALAC in order to progress Council's funding request, despite acting outside of the delegation limits. The plan of development follows this report.
4. As the cost of the development is \$7 million, and staff are only delegated to approve developments up to \$1 million in value, the report has been presented to Council to explain staff's actions, and request Council's support for such actions.

STATUTORY REQUIREMENTS

5. In accordance with Section 5.44 of the Local Government Act 1995, the Chief Executive Officer has been given delegated authority to issue planning scheme consents as they relate to Town Planning Scheme No. 1A within certain limits.

POLICY IMPLICATIONS

6. The 'Development Guidelines – Scheme 1A', is a town planning scheme policy adopted pursuant to Clause 7.21 of Town Planning Scheme No. 1A. The policy states the following in relation to delegated authority:

"Guideline 1: Authority to issue Planning Consents

- 1.1 *For the purpose of Schedule 1 to Council's Delegated Authority notice, authority to issue planning consents or refusals, with or without conditions shall be restricted to those uses nominated in Appendix 1 – Zoning Table in the Town of Albany Town Planning Scheme, but excluding:*
 - o) *Projects exceeding \$1 million value other than those of a residential nature or involving the subdivision of land."*

FINANCIAL IMPLICATIONS

7. The value of the planning scheme consent fee was \$11,472.70 as determined under Council's schedule of fees and charges.

Item 11.1.5 continued

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Diverse and affordable cultural, recreational and sporting opportunities.*

Mission Statement

The City of Albany is committed to...

- *Delivering excellent community services.*

Priority Projects

31. Albany Leisure and Aquatic Centre – progress ALAC concept plans to final design, secure necessary funding and construct.”

COMMENT/DISCUSSION

9. As the RP Program has a finite amount of money to allocate to various projects around Australia, any delay (even 4 weeks) could have allowed other projects to be considered before the ALAC upgrade, thereby limiting the amount of funds that could potentially be allocated to Council’s project. Whilst the funding from the RP Program is still not guaranteed, any delays would only reduce Council’s chances of securing the funding.
10. Given Council’s previous support for the ALAC upgrade project, and the importance of securing funds from other sources, staff believed it was in the best interests of the community to issue a planning scheme consent outside of the specified delegation powers.

RECOMMENDATION

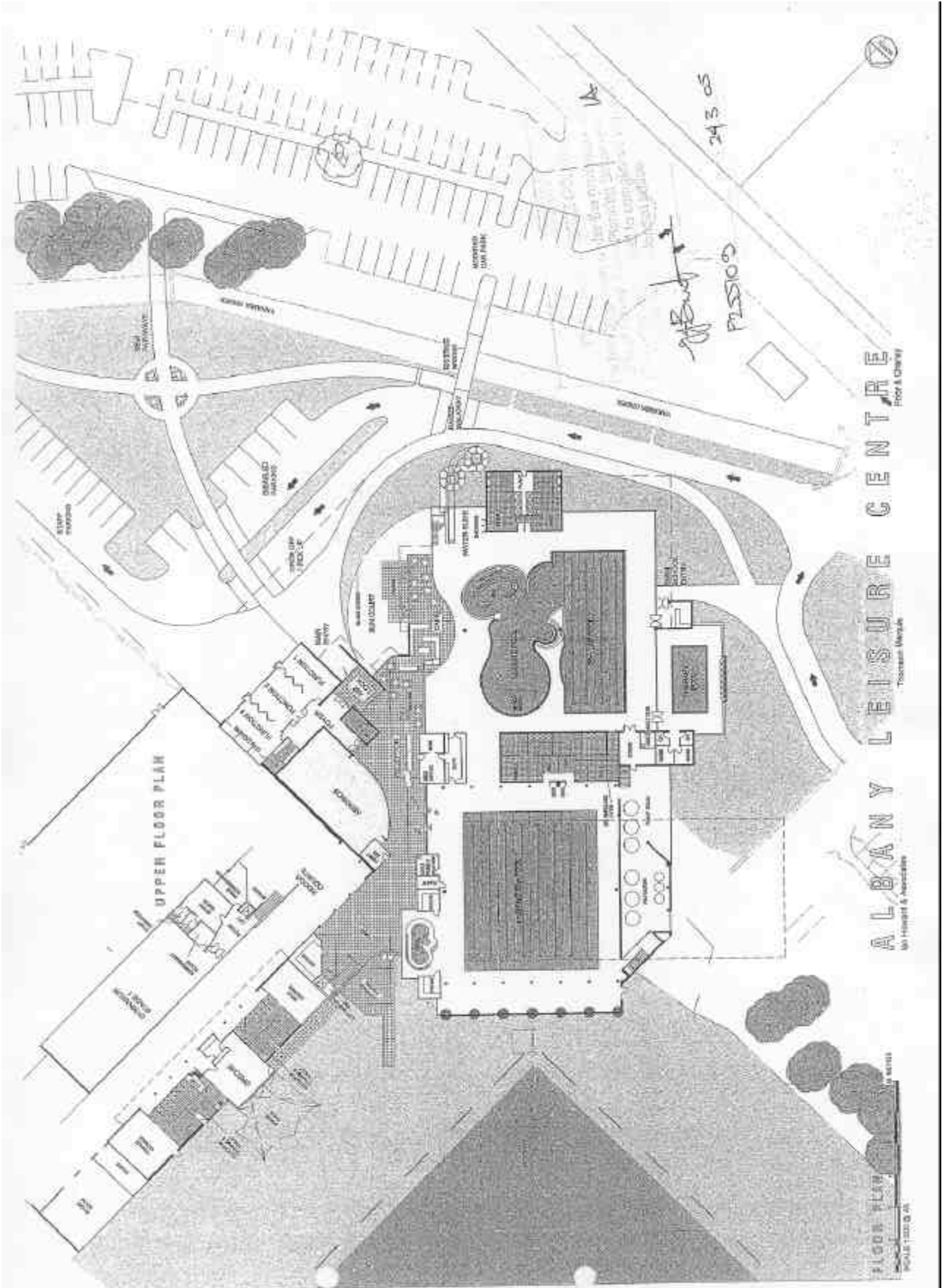
THAT Council supports the actions of staff in granting Planning Scheme Consent for the use ‘Private Recreation – Leisure Centre’ at Loc AT742 (52-70) Barker Road, Centennial Park, which due to the value of the project was outside the delegated authority parameters specified in Council’s Policy ‘Development Guidelines – Scheme 1A’.

Voting Requirement Simple Majority

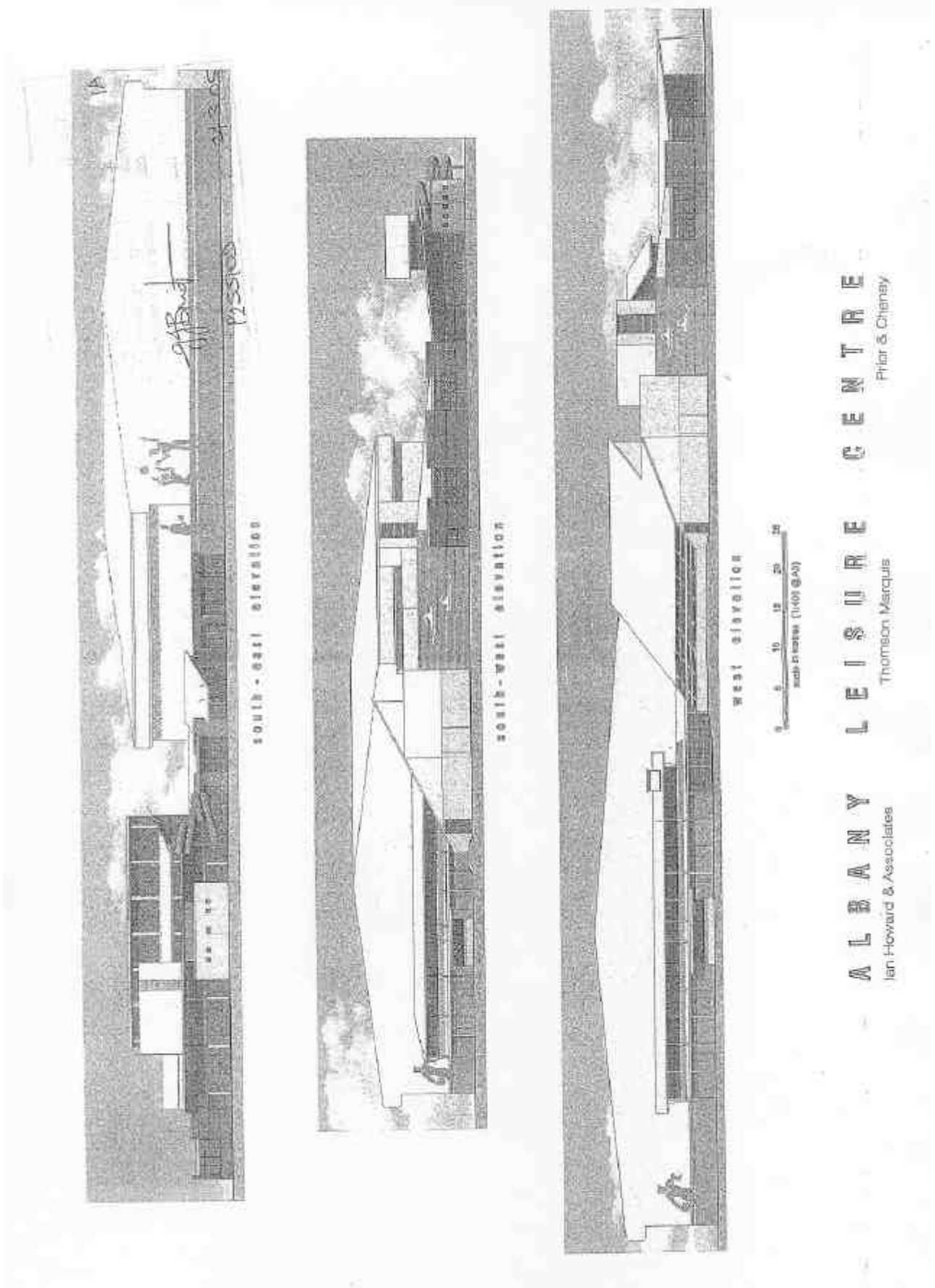
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DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

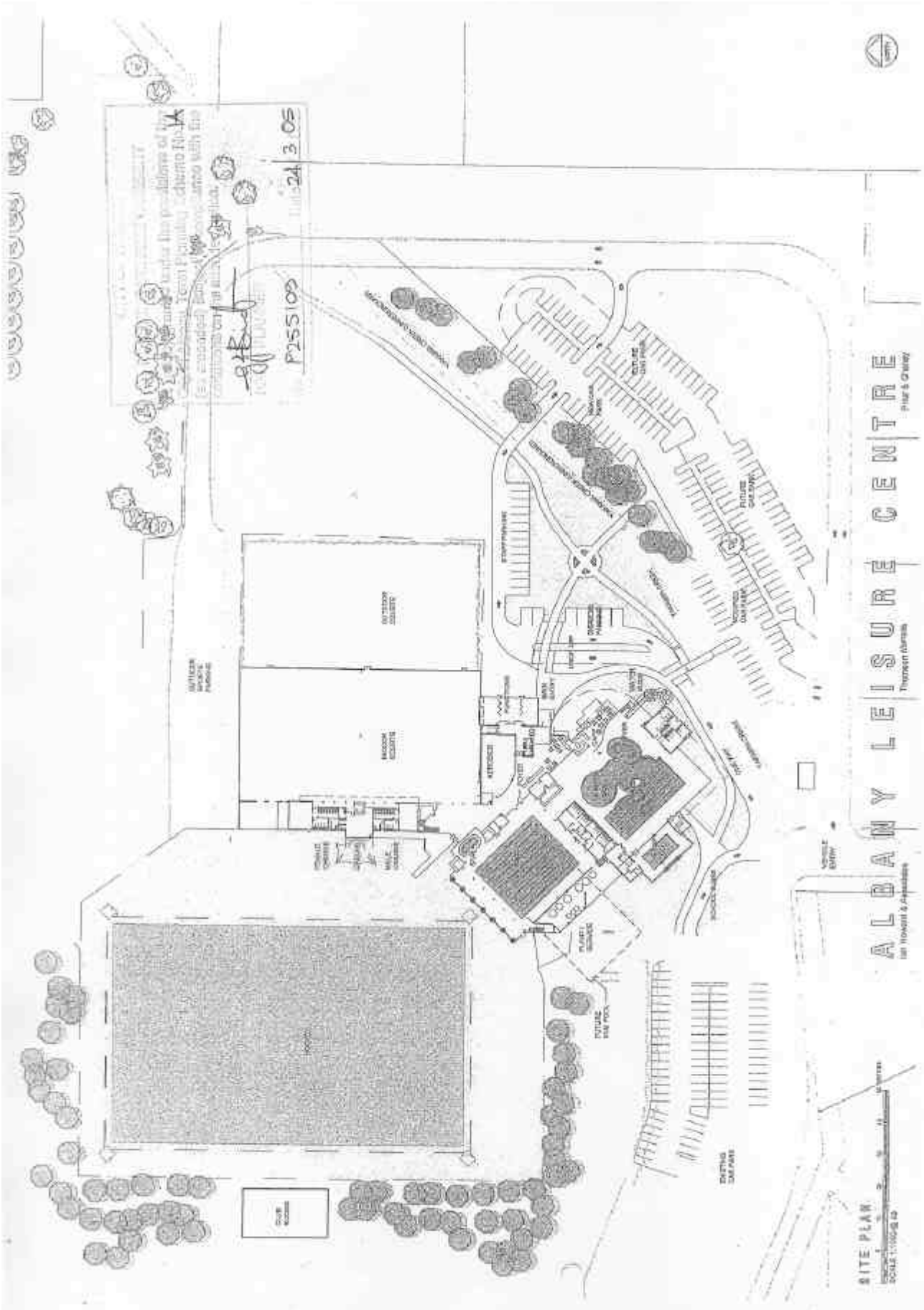


Item 11.1.5 continued



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Item 11.1.5 continued



DEVELOPMENT SERVICES REPORTS

11.1.6 Albany Ring Road –Modifications to Entry to Pendeen Industrial Estate

File/Ward	: REL 082 (Kalgan Ward)
Proposal/Issue	: Integration of Local Road Network onto Stage 1 of Albany Ring Road.
Subject Land/Locality	: Pendeen Industrial Estate, Chester Pass Road, Willyung
Proponent	: Main Roads Western Australia
Owner	: Various
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Support Modifications to Estate Entry Road
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

BACKGROUND

1. Main Roads WA (MRWA) is currently finalising the designs for stage 1 of the Albany Ring Road, which will connect Chester Pass Road to Albany Highway, allowing log trucks to access Down Road from the east without having to negotiate the Albany Highway roundabout.
2. Whilst undertaking designs for the connection of the Ring Road to Chester Pass Road, MRWA has determined that the road pavement will be located within Lots 7 and 8 Chester Pass Road, Willyung. Those lots are private residences located just south of the Pendeen Industrial Estate. MRWA advise that locating the intersection at this location allows for intersection separation with Greatrex Road, provides suitable sight distance for the vehicles entering Chester Pass Road off the Ring Road and avoids disturbance of the vegetation on the “C” class reserve near Greatrex Road. The alignment of the Ring Road through these lots also allows for a possible future upgrading to change the Ring Road into the priority road alignment.
3. Due to the proximity of Pendeen Road to the proposed Ring Road / Chester Pass Road intersection, MRWA advise that it will be necessary to close the current connection of Pendeen Road with Chester Pass Road. MRWA is offering to relocate the entry into the Pendeen Industrial Estate to a position along the Ring Road formed by the southern extension of Copal Road, see following sketch plan.
4. MRWA called a meeting of landowners in the Pendeen Industrial Estate and has received some opposition from the two landowners who purchased industrial sites at the entry to the Pendeen Industrial Estate (loss of exposure to passing traffic and concerns over accessing their current developments). MRWA is seeking Council support to change the local road network and highlights safety and design issues as the driving force behind the changes.

STATUTORY REQUIREMENTS

5. At some point, Council will be required to undertake the statutory processes to close the eastern portion of Pendeen Road to traffic. The road reserve could be permanently closed and the land contained in the road reserve offered to the adjoining landowners, however the services into the Pendeen Industrial Estate are laid within the road reserve and it would be cost prohibitive to realign those services. The road pavement can be closed to traffic and the road reserve gated under an alternate section of the Land Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. Council will be required to absorb the costs associated with undertaking the statutory road closure processes. Modifications to the road pavements should be undertaken by MRWA as part of the Ring Road construction program.

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

“Community Vision

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

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

Mission Statement

The City of Albany is committed to ...

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

Priority Projects

Operational Improvement Project 26, namely the Albany Ring Road – Obtain funding and facilitate an alternate heavy transport route to Albany port diverting traffic away from Chester Pass Road / Albany Highway roundabout.”

COMMENT/DISCUSSION

9. The intersection design provided by MRWA has turning pockets in all directions for road train movements. It also includes protected left and right turn pockets for vehicles turning off Chester Pass Road into the Ring Road, along with an acceleration lane for vehicles leaving the Ring Road and heading north along Chester Pass Road.

10. The length of the acceleration lane, for road trains leaving the Ring Road and heading north along Chester Pass Road, would overlap with the current deceleration lane into Pendeen Road. For safety reasons and to meet design standards, MRWA propose to relocate the entry to the Pendeen Industrial Estate to the west along the Ring Road alignment. The extension of Copal Road to the south, to connect with Greatrex Road, was incorporated into the subdivision guide plan for the industrial estate and the modification of the southern entry point should have minimal impact upon the planning for the estate. A second entry onto Chester Pass Road was planned to the north of the existing lots and construction of that entry should not be affected (some additional widening of Chester Pass Road and the introduction of turning pockets may be required when that intersection is introduced) by the Ring Road development.

RECOMMENDATION

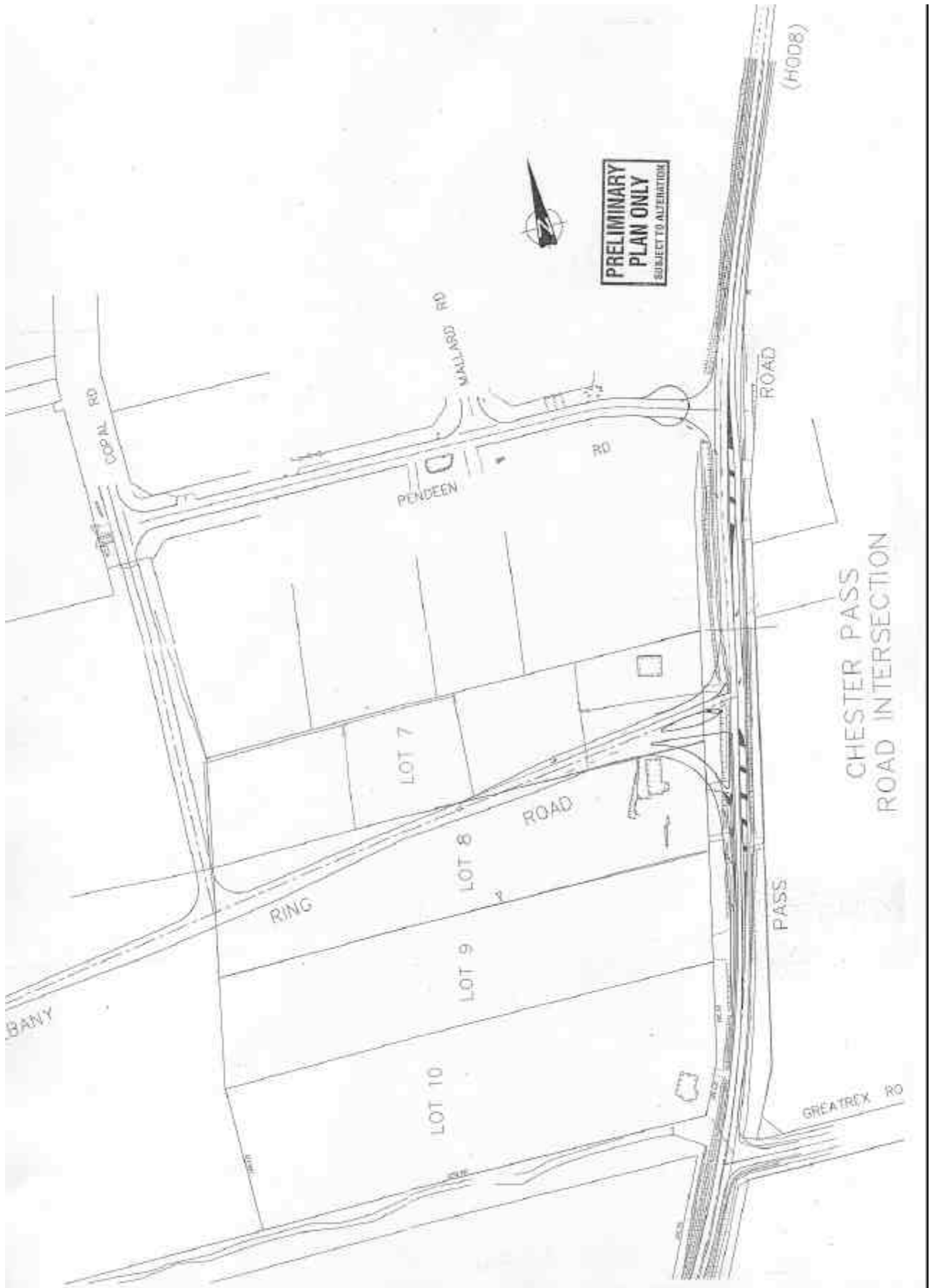
THAT Council advise Main Roads Western Australia that it supports the proposed changes of entry into the southern end of the Pendeen Industrial Estate (by the closure of the Pendeen Road connection onto Chester Pass Road and its replacement with an extension of Copal Road onto the Ring Road), provided all costs associated with the modifications are borne by Main Road Western Australia.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

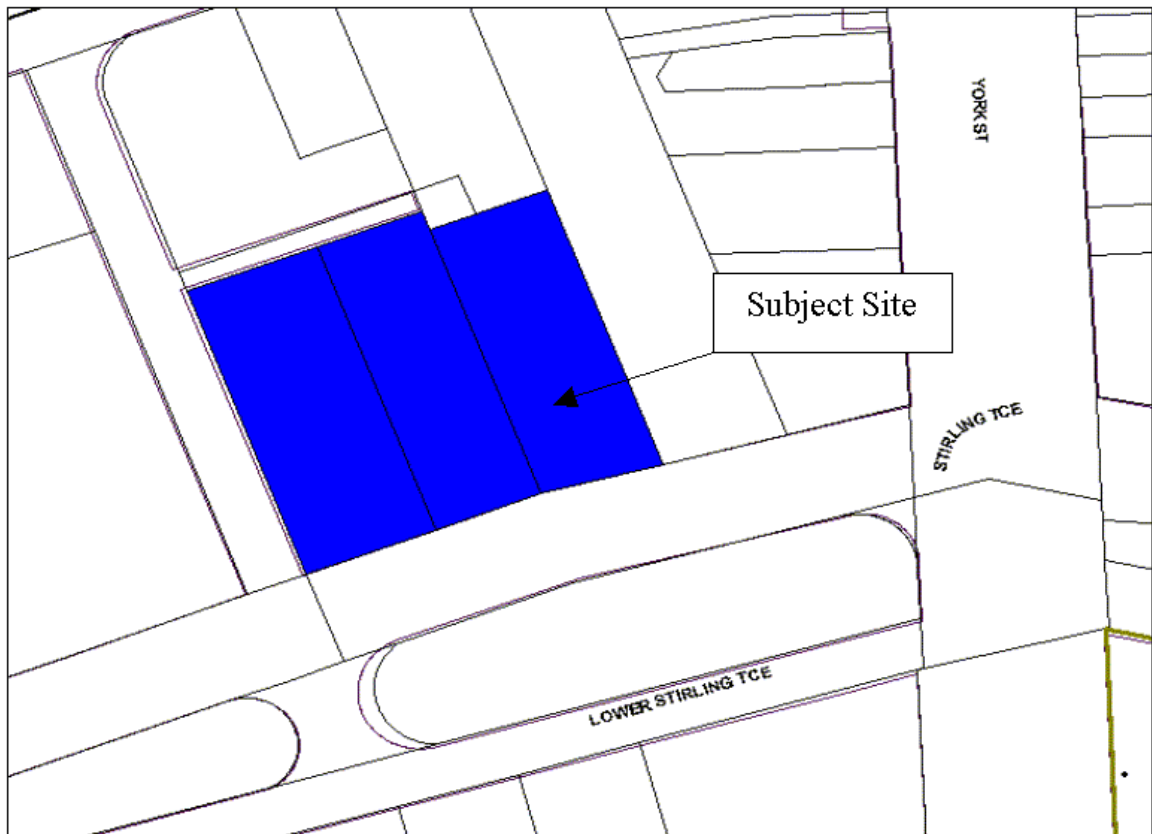
Item 11.1.6 continued



DEVELOPMENT SERVICES REPORTS

11.1.7 Car Parking Requirements – Office Development - Lot 1, Lot 2 & Pt Lot 36 Stirling Terrace, Albany

File/Ward	:	A163824 (Frederickstown Ward)
Proposal/Issue	:	Consideration of a lesser car parking standard for a proposed office development
Subject Land/Locality	:	Lot 1, Lot 2 & Pt Lot 36 Stirling Terrace, Albany
Proponent	:	Daniele Nominees Pty Ltd
Owner	:	Daniele Nominees Pty Ltd
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 05/09/00 - Item 11.1.3
Summary Recommendation	:	To request a cash-in-lieu contribution for a lesser car parking standard
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

BACKGROUND

1. An application has been received from Daniele Nominees Pty Ltd requesting that Council accept a lesser car parking standard to facilitate the development of a new office building on Pt Lot 36, and an additional storey over Bell's Building East on Lot 2, Stirling Terrace, Albany. A copy of the development proposal follows this report.
2. At the rear of the proposed development is an old bakehouse which is listed on Council's Municipal Heritage Inventory, and will be preserved under the application.
3. Whilst the proponent has not lodged a formal application for planning scheme consent, he wishes to explore the car parking demands and there is sufficient information lodged to assess the car parking requirements of the development. Staff have made modifications to the car parking layout submitted to Council, in order to improve legibility and efficiency of traffic movements and has been able to incorporate additional landscaping areas. This has led to the number of car parking bays on site being reduced from 34 to 32 bays (see attached plan).
4. The proponent has identified a shortfall of 43 bays across the owners three titles (Lot 1, Lot 2 & Pt Lot 36) based on the attached car parking audit (please note that these calculations are based on a greenfields development).
5. There is also a requirement to keep available 8 car parking bays on the site to meet a parking shortfall for patrons to the redevelopment of 146-152 Stirling Terrace, Albany (Heaven Nightclub). There is a caveat presently lodged on the title of Pt Lot 36 securing the provision of these bays for the exclusive use of nightclub patrons and the general public outside normal office hours.

STATUTORY REQUIREMENTS

6. The land is zoned 'Central Area' within Town Planning Scheme No. 1A, whereby the use 'office' is a permitted use within this zone.
7. Town Planning Scheme No. 1A specifies a car parking ratio of 1 bay per 40m² for an office development.
8. In relation to relaxing a Scheme standard or requirement, Clause 4.10 of Town Planning Scheme No. 1A states:

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

4.10.1 In considering an application for planning consent under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council is to:
 - (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 7.5; and*
 - (b) have regard to any expressed views prior to making its determination to grant the variation.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

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

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

POLICY IMPLICATIONS

9. Under Council’s Policy ‘Development Guidelines – Scheme 1A’, Guideline 6: Central Area states the following:

“6.2 Carparking Standards

Use	Minimum car parking spaces for public parking	Minimum car parking spaces for private parking
<i>Other Retail</i>	<i>1 per 35 sqm gross floor area</i>	<i>1 per 25 sqm gross floor area</i>
<i>Offices</i>	<i>1 per 30 sqm gross floor area</i>	<i>1 per 25 sqm gross floor area</i>

6.5 Parking

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

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

10. The Stirling Terrace Conservation Plan has implications for the proposed development, which will need to be assessed separate to the parking issue. The proponent has however presented a heritage impact statement, and the proposed new building does appear to meet the heritage objectives of the conservation plan by providing a transition of scale between the two buildings either side.

FINANCIAL IMPLICATIONS

11. If Council was to apply it’s cash-in-lieu parking policy (Section 6.5) the figure per parking bay would be in the vicinity of \$15,000.

STRATEGIC IMPLICATIONS

12. Current levels of car parking in the Central Business District will not meet the medium or long term demands. Additional bays will need to be provided by the developers (when they expand floor space and obtain a direct benefit) or by direct intervention by Council through the purchase of land and construction of facilities.

DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

COMMENT/DISCUSSION

13. The car parking audit submitted by the proponent has included all the floor space on the site, however most of the buildings have been in existence for many years and it is not planning practice to retrospectively apply today's car parking standards to existing buildings, as part of a new development proposal. The practice is to require additional parking based on the additional floor space that is to be provided on the site.
14. There are currently 16 car parking bays provided on the site for the existing development on Lot 1, Lot 2 and Pt Lot 36, inclusive of 8 bays secured under a caveat on the title. As this parking situation is existing, and the original development was not subject to today's car parking controls, it can be argued that the 16 bays meets the demands of the existing developments.
15. The new floor space, inclusive of 520m² GFA on Pt Lot 36 and 400m² GFA on Lot 2, would require the provision of 30 parking bays. Therefore, it is considered reasonable that the total parking requirement would be 46 bays, inclusive of the 8 bays secured under a caveat. As 32 bays can be provided on the site, there is an identifiable parking shortage of 14 bays.
16. There is also the ability to apply some discretion on the basis that a building of heritage importance, being the 'old bakehouse', is being preserved under the proposal. The building provides an impediment to the parking layout of the site and if it were removed it would allow for an additional 5 parking bays. If Council was to apply this discretion it could be said that a total shortfall of 9 parking bays is applicable to the application.
17. If Council was to require the proponent to comply with its cash-in-lieu policy, the contribution could be approximately \$135,000. If the proponent were to reduce the gross floor area of the building by 270m² the building would be in compliance with Council's car parking policy requirement of 1 bay per 30m². Should the proponent not wish to pay a cash-in-lieu contribution, this could be a cost-effective option.
18. The proposed development shows respect to the surrounding heritage buildings and would add to the streetscape of Stirling Terrace by filling in one of the few vacant sites along this street. It would also help to turn around the trend of businesses gravitating towards the top end of town, and add economic prosperity to the harbour side of town.
19. In considering the proposal Council needs to decide whether it is willing to accept less car bays, and potentially add to the congestion of Stirling Terrace, or focus on approving a substantial office development that is sympathetic to the existing heritage buildings that would add to the streetscape. There is also the issue of precedence, as if Council continually relaxes its car parking standards, the integrity of Council's Town Planning Scheme and parking policy will be eroded, and future plans to accommodate long term parking would need to be brought forward, as more landowners took advantage of such relaxations.
20. In order to comply with Clause 4.10 of Town Planning Scheme No. 1A, any relaxation would need to be referred to surrounding landowners for comment. This could be done once a formal application for planning scheme consent is received.

DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

RECOMMENDATION

THAT Council:

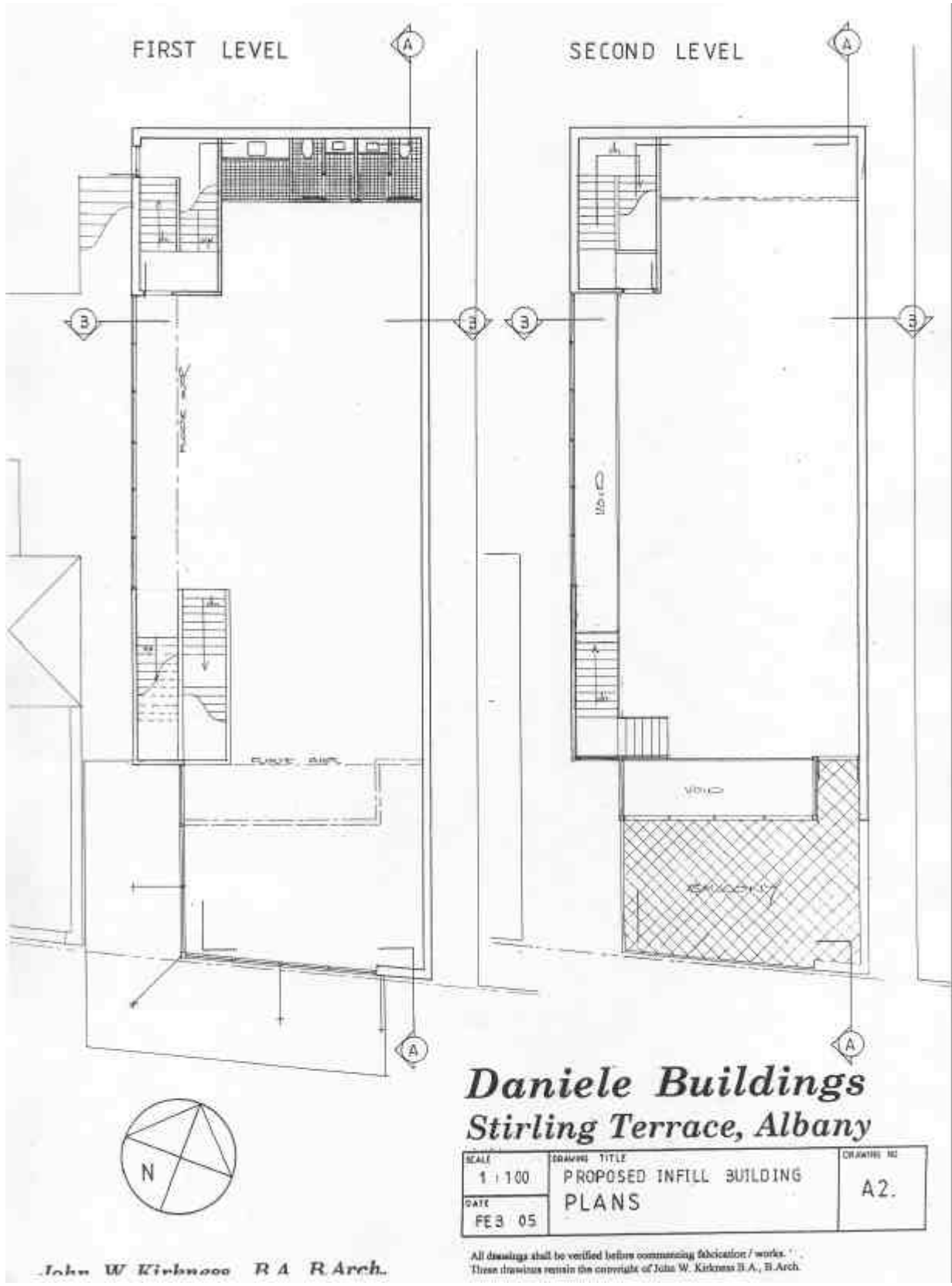
- i) advise the applicant that a cash-in-lieu contribution for 9 car parking bays will be required in accordance with Council’s Policy ‘Development Guidelines – Scheme 1A’, clause 6.5; and**
- ii) requires the existing caveat to be lifted and a new caveat to be lodged on the Title of Lot 36 (164-166) Stirling Terrace securing eight car parking bays for the “after hours” exclusive use of the development at 146 – 152 Stirling Terrace, Albany.**

Voting Requirement Simple Majority

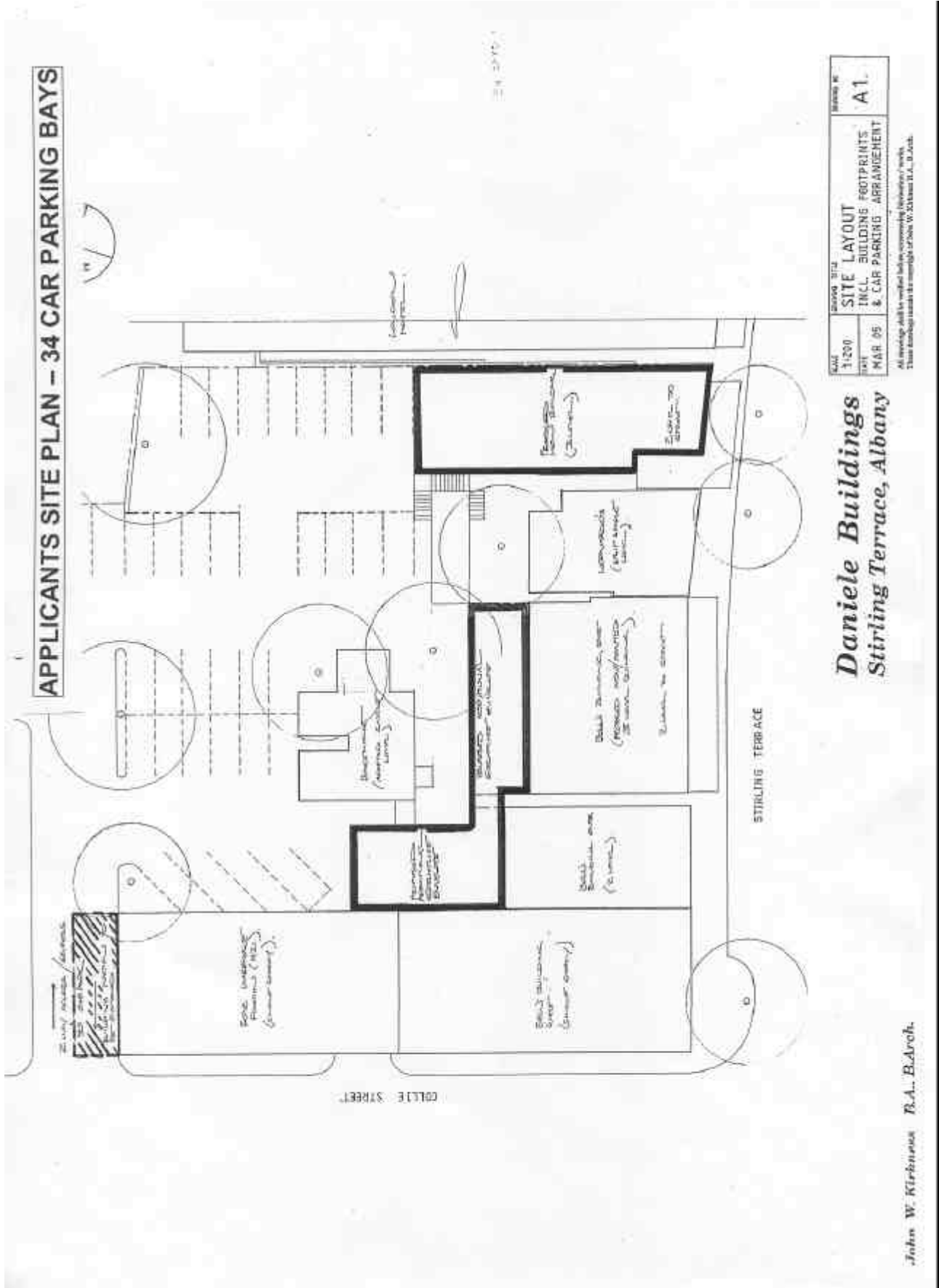
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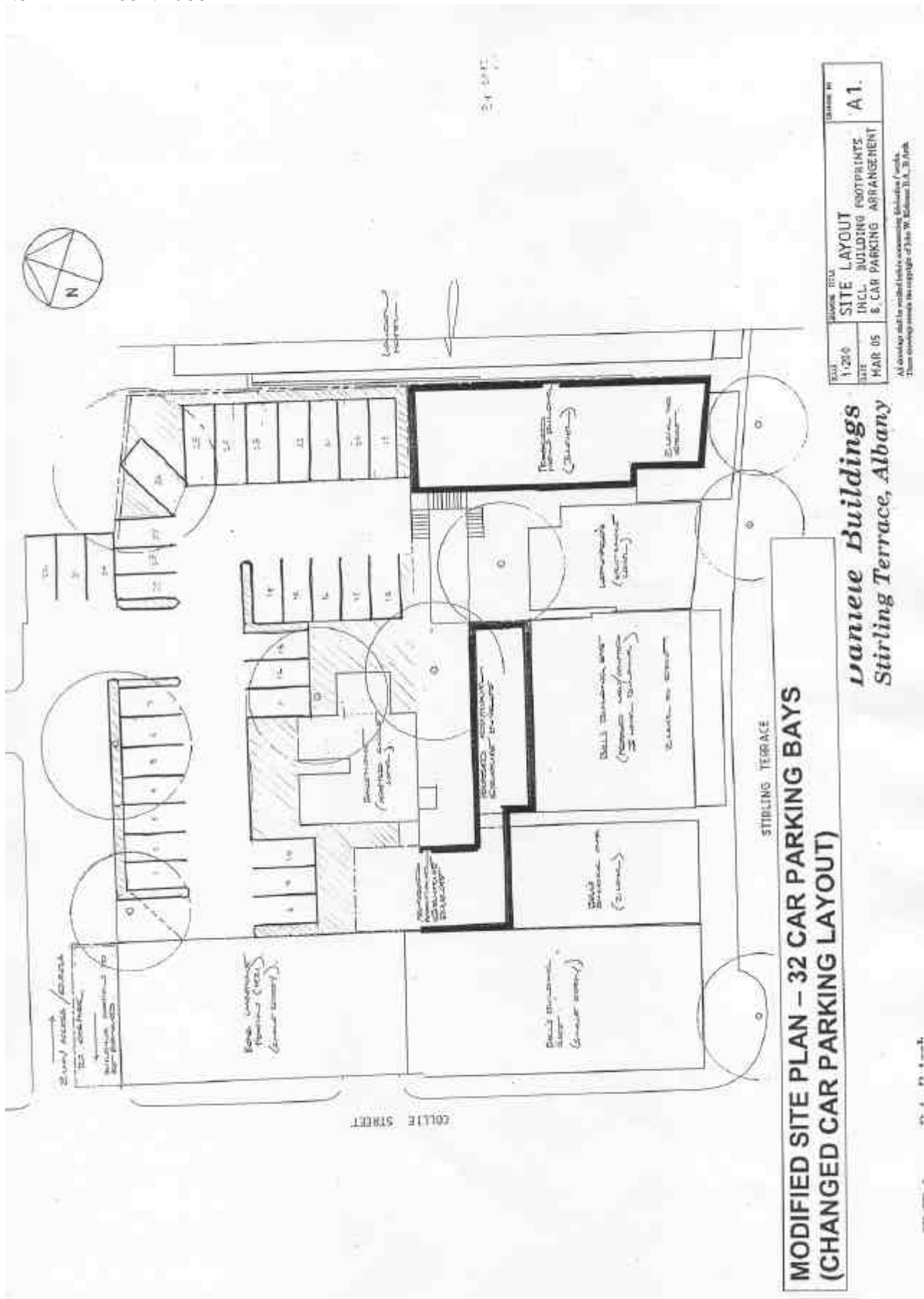
Item 11.1.7 continued



Item 11.1.7 continued



Item 11.1.7 continued



Item 11.1.7 continued

CAR PARKING STATISTICS

Lots 1, 2 & Pt.S36 (Nos. 164-180) Stirling Terrace, Albany

PROPOSED REDEVELOPMENT; MACRO- LOT

Entire site zoned “Central Area”, with car-parking requirement of 1 bay per 30m² gross floor area for Office use, and 1 bay per 35 m² for Public use.

Credit from existing approved use deducted from required parking.

<u>Building</u>	<u>Gross Floor Area</u>	<u>Reqd. Parking</u>
<u>Lot 1.</u>		
<i>Bell's Building (West)</i>		
Front Portion	280 m ²	9.3 bays
Rear (1921) Portion	276 m ²	9.2 bays
<i>Bell's Building (Centre)</i>		
Existing Portion	256 m ²	8.5 bays
New Portion	270 m ²	9 bays
<u>Lot 2.</u>		
<i>Bell's Building (East)</i>		
Ground Level (Public)	200 m ²	5.7 bays
Upper Levels (Office)	400 m ²	13.3 bays
<i>Bakehouse (Former)</i> (Office)	82 m ²	2.3 bays
<u>Lot Pt.S36.</u>		
<i>Leonardo's (Public)</i>	107 m ²	3 bays
<i>Proposed New Building</i>		
Ground Level (Public)	185 m ²	5.3 bays
Upper Levels (Office)	335 m ²	<u>11.1 bays</u>
	TOTAL	76.7 bays

DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

No. Bays Provided	34 bays
Shortfall	42.7 bays
Minus Credit per Existing Approved Uses	10.7 bays
TOTAL No. BAYS TO BE WAIVED	32 bays 43 bays

DEVELOPMENT SERVICES REPORTS

11.1.8 Local Planning Strategy – draft Retail Development Strategy

File/Ward	: STR 156 (Various Wards)
Proposal/Issue	: Draft Retail Development Planning Strategy project to replace existing Commercial Strategy
Subject Land/Locality	: Various
Proponent	: Shrapnel Urban Planning
Owner	: Various
Reporting Officer(s)	: Strategic Planning Officer (P Shephard)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Adopt draft for public consultation purposes
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. A copy of the draft Retail Development Strategy (RDS) was provided to Councillors with a memorandum on 5 April 2005. Councillors and senior staff were briefed by Tony Shrapnel (Shrapnel Urban Planning) on 25 January 2005 on the draft recommendations contained within the strategy.
2. The next stage of the project involves Council adopting for consultation the draft strategy and forwarding it to the Department for Planning and Infrastructure (DPI) for comment, prior to advertising commencing.
3. Council at its March 2005 meeting considered the draft Defining Central Albany (DCA) Strategy and resolved as follows:

“THAT Council lay this item on the table until the Retail Development Strategy has been received and considered by Council.”
4. Staff have now assessed and compared the DCA and RDS reports and their recommendations. This report deals with the RDS strategy. Some areas of conflict have arisen as a result of the different nature of the projects. These areas have been identified and discussed within the report on the DCA elsewhere in the agenda.

STATUTORY REQUIREMENTS

5. The existing Commercial Strategy is an adopted policy of the WA Planning Commission under their legislative powers and forms part of the State Planning Framework. The final RDS will replace the existing strategy and the endorsement of the WA Planning Commission is therefore required.

DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

POLICY IMPLICATIONS

6. The draft RDS recommends a review of the retail trading hours, which is outside of planning controls, and needs to be subject to separate consideration by Council.

FINANCIAL IMPLICATIONS

7. The RDS project is subject to a contract requiring the consultant to complete the requirements of the project brief.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

Mission Statement

- *Innovative development complementing Albany’s unique character, natural environment and heritage; and*
- *Being the regional retailing and service hub.*

Priority Projects

No 2. Major Planning Projects – Albany Local Planning Strategy and Town Planning Scheme (20 year land use and development strategy and statutory control mechanism)”

9. The recommendations from the final RDS when adopted by Council will be incorporated into the Local Planning Strategy and Planning Scheme for implementation.

COMMENT/DISCUSSION

10. As highlighted in the report on the draft DCA strategy, it should be remembered that the outcomes for the DCA and RDS projects was different (DCA having a CBD area urban design focus and the RDS having a whole of City area and strictly commercial/retail land use focus). As a result of this, some areas of conflict have arisen. In considering the draft strategies, Council has indicated that it wishes to determine or prioritise which recommendation will take priority over the other. In saying that, staff feel that the RDS and DCA projects were designed to produce different outcomes and both reports have produced largely complementary recommendations.
11. The RDS recommends a flexible approach to time frames and that the City should use this report in terms of short, medium and long term scenarios. The City needs to regularly review and update the data and overall strategy for retail developments to ensure that new commercial land uses do not erode the overall financial viability of the city centre and current trends are recognised and catered for over time.

DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

12. The report is comprehensive with the main objective of delivering a strategic direction for commercial and retail planning policy over a 20 year timeframe. It is worth highlighting some of main comments and results from the report:
- It is critical that the entire strategy be properly implemented. The consultant advises that it would be better to have no strategy than one that is not adhered to by all stakeholders.
 - The nature of retail planning requires that market conditions are monitored in relation to the development of longer-term developments (such as proposed for Catalina and Walmsley) so that these are not constructed prematurely and produce adverse financial impacts in the town centre area.
 - Consultation to date has strongly reinforced the need to maintain and enhance the viability of York Street.
 - The economic value of a viable town centre cannot be overstated and the maintenance of the viability remains the highest objective of strategic retail planning.
 - Albany is a regional centre and the entire population of the Lower Great Southern has a 'very big stake in the future of Albany'.
 - The town centre is a natural destination for regional consumers whilst the neighbourhood/local centres would serve mainly the local populations.
 - In terms of parking, the consultant concludes that 'nothing even approaching a significant traffic problem currently exists in Albany' and 'it is also true that parking within a reasonable walking distance of almost any part of the town centre is not difficult ... in this sense the parking problems are probably more perceptual than real'.
 - Highest income brackets spend up to 3 times more on retail goods than lowest income brackets. Based on the existing level of household income in the City, the amount of retail floors space per household required is less than the WA average.
 - Albany contains the majority of the region's medium-higher income earners (similar to population concentration).
 - In 2001 average grocery expenditure was \$9,049 per household with non-retail expenditure of \$10,268, which equates to an annual average retail expenditure of \$19,318 per household.
 - Between 1998-2003 shop/retail floorspace in commercial complexes increased by 19% (to 60,409m²), mainly within a 3km radius of York Street.
 - Between 1998-2003 other retail floorspace within industrial complexes increased by 28% (to 14,232m²), also within a 3km radius of York Street which is showing how retail floorspace is intruding into the surrounding industrial areas. This corresponds with the loss of other retail floorspace in commercial complexes which has increased in industrial complexes mainly focussed on Lockyer Avenue.
 - The consultant considers that the present retail trading hour rights being experienced at Farm Fresh has no justification in strategic retail planning terms.
 - General retail trends indicate:
 - Increased mobility continues to drive a tendency towards larger centre sizes and heavier concentration of retail uses.
 - The proportion of speciality shops in new larger centres is reducing.
 - Shopping trips as a practical necessity may reduce over time.
 - Good urban design favours main streets, which has occurred in some areas, although it is yet to be accepted widely by the retail and development industries.

DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

- o Warehouse retail is still evolving as a particular business form that needs to be considered particularly in Albany where they could have a significant economic impact on existing retail operations.
 - It is important to distinguish the differences between mixed use (comprising shop/retail with a mix of shop/office/residential uses) and mixed business (comprising other retail with car/highway orientated developments {bulky goods, showrooms, possibly fast food outlets}).
 - In Albany, households produce 80%, business produces 8% and tourism produces 12% of the total retail expenditure potential.
 - No additional non-food retail floorspace is required in Albany at the present time.
 - 4,000m² of food/grocery floorspace is immediately required in “the region” and Albany would be a suitable location within the region for it to be developed.
 - By 2021, a further 9,473m² of food/grocery floorspace will be required and will form the basis for the expansion of some of the neighbourhood centres in Albany.
 - By 2021, indications are that non-food retail space will still be oversupplied. This should not be interpreted as additional floorspace shouldn’t be provided rather it means that new floorspace is most likely to be taken up by existing business relocations rather than strictly new business and any development would have a flow on effect to older buildings and rental rates etc.
 - Farm Fresh/Brooks Garden/Woolworth’s should not be allowed to expand beyond present approvals to bring growth more in line with regional population growth. The site should be considered as a future regional sub-centre in a future review of this strategy, dependent on market conditions (i.e. regional population growth etc.).
 - The Action proposal (with recommended modifications to particular uses) should proceed, which will cater for the additional food/grocery floorspace requirement in the region.
13. The recommended strategy is contained within Section 7 of the report (pp. 55-68). The following items require discussion as follows:
- i) Section 7.1 Strategy Maps (Figure S-1 and Figure 7.1)
The RDS recommends changes to the hierarchy of the existing Commercial Strategy as follows:
 - The downgrading of Walmsley district centre to a future neighbourhood centre to be determined in a future review of this strategy.
 - The inclusion of a future local centre in the Yakamia area.
 - The inclusion of the existing Bayonet Head store as a future neighbourhood centre (up to 2,500m² floorspace) being permitted within the timeframe of this strategy and designed to complement the existing store.
 - The downgrading of the neighbourhood centre proposed within the Bayonet Head Outline Development Plan area and it being replaced with a small local centre off Lower King Road for the interim period.
 - The recognition of the local centres at Middleton Road Deli and the Middleton Beach shops.
 - The removal of Vancouver Street, Wellington Street, Robinson North and Golflinks Road local centre designations.

DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

- The recognition of Brooks/Brooks Garden as a future regional sub-centre. The existing centre should not be allowed to expand beyond present approvals to bring growth more in line with regional population growth. The site should be considered as a future regional sub-centre in a review of this strategy, dependent on market conditions (i.e. regional population growth etc).
 - The inclusion of the Action proposal (with requirements for certain allied shop types only within the centre).
 - The expansion of the mixed business area along Albany Highway and Lockyer Avenue.
14. Broader recommendations have also been made in the report. Of particular note:
- ii) The RDS suggest the inclusion of urban design/architecture expertise on development applications in certain precincts as recommended in the DCA strategy. As noted in the DCA report, this recommendation would affect staff resourcing and require prioritisation and future budget consideration.
 - iii) The RDS suggests a general increase in housing density to R30 for an area approximately 100 metres around neighbourhood and local centres to enhance their commercial potential. This increase in density will form part of the discussion at the upcoming housing strategy workshop.
15. The implementation plan is contained within Section 8 of the report (pp. 69-72). The following items require discussion as follows:
- i) Section 8.4 Application (p. 71)
The RDS recommends that retail uses be classified using a new system that includes building format and Department for Planning and Infrastructure retail definitions. This is different to existing planning scheme approaches and advice from the DPI will be sought on its acceptability for the City's Community Planning Scheme. The approach is supported by staff.
 - ii) Section 8.5 Timing of Development (p. 72)
The RDS recommends that a 1/2 year moratorium on certain development be implemented in conjunction with the adoption of the strategy and that regional development rates be monitored and determined to be sufficient before additional development can commence. On balance, the imposition of a moratorium for the reasons outlined in the report is supported by staff. However, this approach is likely to be unpopular with the development industry and challenged by applicants from time to time. The capacity to have the City's IT system altered to monitor projects within this timeframe is also questioned.
16. The draft strategy contains some useful and relevant regional planning information for surrounding local authorities and it may be advantageous for a copy to be provided to them to consider.
17. Upon completion of the advertising period, any submissions received will need to be considered by Council prior to the final RDS being prepared and adopted. The final strategy is then required to be forwarded to the WA Planning Commission for endorsement.

DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

RECOMMENDATION

THAT Council:

- i) adopt the draft Retail Development Strategy (March 2005) from Shrapnel Urban Planning for public comment;**
- ii) note the officer comments and recommendations on the draft Retail Development Strategy (March 2005);**
- iii) note the recommendations on the priority for points of conflict between the draft Retail Draft Strategy and Defining Central Albany policy documents as outlined in this report;**
- iv) forward the draft strategy to the Department for Planning and Infrastructure for comment, prior to advertising commencing;**
- v) upon receipt of comments from the Department for Planning and Infrastructure undertake a two month advertising period for public consultation on the draft strategy; and**
- vi) consider any submissions received following completion of the advertising period.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.1.9 Local Planning Policy – draft Defining Central Albany Report

File/Ward	: STR 128 (Frederickstown Ward)
Proposal/Issue	: Draft Local Planning Policy for Defining Central Albany
Subject Land/Locality	: Various
Proponent	: Taylor Burrell Barnett et al.
Owner	: Various
Reporting Officer(s)	: Strategic Planning Officer (P Shephard)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 15/03/05 - Item 11.3.1
Summary Recommendation	: Adopt draft for public consultation purposes
Bulletin Attachment	: Nil.
Locality Plan	: Nil.

BACKGROUND

1. Council at its March 2005 meeting considered the draft Defining Central Albany (DCA) Report and resolved as follows:

“THAT Council lay this item on the table until the Retail Development Strategy has been received and considered by Council.”
2. The draft Retail Development Strategy (RDS) has been received and staff have now assessed and compared both reports and their recommendations. This report has two sections dealing with the DCA Report and any conflict points between the DCA and RDS.
3. A separate item dealing with the adoption of the draft RDS is also included in this agenda.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. This report will become a policy document to assist Council in making decisions on Central Area applications.

FINANCIAL IMPLICATIONS

6. The Defining Central Albany project is subject to a contract requiring the consultant to complete the requirements of the project brief. The DCA report has numerous recommendations which promote an alternate urban form in Central Albany, some of which may require public expenditure on streetscapes and infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.1.9 continued

STRATEGIC IMPLICATIONS

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

“Community Vision

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

Mission Statement

- *Innovative development complementing Albany’s unique character, natural environment and heritage; and*
- *Being the regional retailing and service hub.*

Priority Projects

2. *Major Planning Projects – Albany Local Planning Strategy and Town Planning Scheme (20 year land use and development strategy and statutory control mechanism)”*

8. The recommendations from the final Defining Central Albany Strategy when adopted by Council will be incorporated into the Albany Local Planning Strategy and Community Planning Scheme for implementation.

COMMENT/DISCUSSION

9. It was reported in last month’s report that the purpose and recommendations for each project would be different, Defining Central Albany having a CBD area urban design focus and the Retail Development Strategy having a whole of City area, commercial/retail needs analysis focus. As a result of this, some divergence of opinion has arisen between the two consultants, mainly centred around the timing of developments, have arisen. In considering the draft reports, Council is required to determine or prioritise which recommendation will take priority over the other.

Defining Central Albany Strategy

10. It was stated in last month’s report:

“The individual precinct plans contained within the draft DCA strategy (Section 5 pp. 53-108) include a number of specific recommendations on traffic management and related engineering matters such as future road connections, traffic flows, deviations, pedestrian crossings, traffic calming, property access/egress and parking coordination that will have a significant impact on transport planning around the CBD. At the time of writing this report, the impacts of these recommendations on the existing traffic network are still being evaluated by Works and Services. It is expected that some of the proposals contained within the draft strategy (particularly proposed future road connections) will require modification as a result of the Works and Services evaluation. A list of the outcomes of the Works and Services and Planning Teams evaluation on the individual precinct plans will be provided to Council for consideration with other submissions received at the completion of the advertising.

DEVELOPMENT SERVICES REPORTS

Item 11.1.9 continued

It should be remembered that the individual precinct plans provide a strategic vision for land use planning (and in particular urban design outcomes) for the central area over a 20-year timeframe. Given the scope of some of these recommendations will require far more than the completion of a new planning strategy or statutory town planning scheme. Cooperation between the City, landowners and other stakeholders will be important for a large number of the outcomes to be achieved and clearly some will take time to work through and be finalised.

Upon adoption of the final strategy, Officers will complete an Action Plan to assist Councillors prioritise the recommendations and assign responsibility within the organisation for their implementation. In delivering some of the urban design outcomes proposed (such as better coordination and management of rear parking areas for public/private use, development of pedestrian malls or the creation of active spaces and design solutions for existing buildings), the development of incentives to be made available to developers and owners through the rating/planning systems (eg. financial, density bonus, transferable development rights, design advisory service etc.), are being investigated to encourage participation in conjunction with statutory controls within the new town planning scheme.

The 3 Concept Plans (Figures 21, 23 and 25) that have been prepared should be used for concept purposes only. The location and development of the proposals included on these plans requires additional detail planning and consultation before proceeding.

Some errors have been identified that need to be corrected in the precinct plans (eg. the maximum height limit recommended for the study area generally is 4 storeys (section 7.3.5), whilst the recommendation for the ex-Wesfarmers building in the individual precinct plan for Precinct 1M states 4-5 storeys (section 5.13.3 point 2), which needs to also state 4 storeys for consistency).

Whilst the majority of the 32 general recommendations in Section 7.3 Implementation are supported by staff, where there is disagreement, these are discussed below:

- i) Section 7.3.2 Heritage (pp. 112-113). The preparation of a separate Heritage Study for the central area, reintroduction of previous incentives program and proposed staff resourcing issue affects several work areas within the City. As with a number of the recommendations that require additional work/study to be completed, these tasks will require prioritisation and future budget consideration to be implemented.*
- ii) Section 7.3.3 Parking (pp. 114-119). The preparation of a Parking Strategy (7.3.3.2 p.114-115) is not supported. A review of the recommendations of the previous strategies has been undertaken and the relevant parts will be implemented with the other DCA parking recommendations through the new town planning scheme. As recommended, it is proposed to prepare separate parking strategies within the individual precincts. The introduction of bicycle parking (7.3.3.9 p.118-119) whilst supported is proposed to be based on incentive rather than a prescriptive approach and simplified to a ratio of car/bike spaces.*
- iii) Section 7.3.4 Zoning (p.119). Will be affected by RDS outcomes.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.9 continued

- iv) *Section 7.3.9 Precinct 4 (Northern Portion of City Centre) (p.120). Recommendations generally supported. The recommendations have been provided to Tony Shrapnel for consideration in preparing the draft RDS. See also 7.3.2 above.*
- v) *Section 7.3.13 Cat Bus System (p.121). Presently there is insufficient funds available from cash-in-lieu for parking (and this situation is likely to remain) to support the recommendation. Whilst the objective is supported, there also needs to be changes made to the Town Planning and Development Act and Model Scheme Text to use cash-in-lieu for public transport purposes.*
- vi) *Section 7.3.14 Convention and Entertainment Centre (p.121). The proposal for the residential component needs to be subject to further consideration as it may conflict with the current proposals for the site (i.e. parking for the convention/entertainment centre).*
- vii) *Section 7.3.17 Vehicle Speeds (p.122). Will be affected by Works and Services comments.*
- viii) *Section 7.3.23 Retention of Trees (p.123). Some individual trees and areas of vegetation have been included on the City's Municipal Heritage Inventory, which offers protection. Experience shows that the preparation of a tree preservation list is contentious with little overall positive impact derived from the resources expended in undertaking these projects. Sensitive design, possibly guided by planning policies is more likely to achieve a positive result.*
- ix) *Section 7.3.24 Precinct Guidelines (p.123) See also 7.3.2 above.*
- x) *Section 7.3.27 Telstra (p.123). Whilst the objective is supported, the relocation is considered to be a long-term goal that would require substantial funding due to the major nature of the infrastructure housed in the building. Improvements to the appearance of the present building and surrounds are considered more likely to be achieved in the short-medium term.*
- xi) *Section 7.3.28 Commercial Centres Strategy (p.123). This project is called the Retail Development Strategy (RDS). Tony Shrapnel has been provided with a copy of this draft strategy for consideration in preparing the RDS.*
- xii) *Section 7.3.29 Local Housing Strategy (p.123). Simon Bain has been provided with a copy of this draft strategy for consideration in preparing the Housing Strategy.*
- xiii) *Section 7.3.31 Public Amenities (p.124). See also 7.3.2 above.*

There are some typographical and grammatical errors/omissions in the draft DCA strategy that will be corrected following the advertising."

Conflict between DCA and RDS Strategies

11. Following consideration of the DCA and RDS recommendations, staff consider the following areas of divergence between the two reports need to be noted:
 - i) The DCA recommends the retention of some areas of residential uses (with increased densities) in the CBD to take advantage of the close proximity to the central area. This includes areas bordered by Stead/Alexander/Hymus Streets, Young/Tasman Streets and Cockburn/Symers/Campbell Road areas.

DEVELOPMENT SERVICES REPORTS

Item 11.1.9 continued

This recommendation is at variance with the RDS which concludes that the town centre will continue to grow and this should be allowed to occur north along Lockyer Avenue and north-west along Albany Highway. The RDS recommends that the existing housing be treated as non-conforming and that no additional or redevelopment of housing should be permitted to enable this land to be available for core retail and mixed business uses over the long-term.

This affects Precinct 4D (pp. 103-104) of the DCA document. Staff recommend that the RDS recommendation be prioritised over the DCA recommendation as follows:

- 1) The area nominated for service commercial adjacent to Lockyer Avenue in the DCA be made available for mixed business uses in accordance with the RDS recommendation.
- 2) The area nominated for residential use bordered by Middleton Road/Douglas Street/Stead Road/Young Street in the DCA be made available for mixed business uses/retail core uses in accordance with the RDS recommendation.
- 3) The urban design outcomes from the DCA be retained and incorporated into development guidelines for the precinct.

The RDS identifies that there will continue to be pressure for the northern area of the CBD to convert to commercial uses and mixed business over the long-term. Whilst the DCA recommendation would indeed capitalise on the residential area and its close proximity to the central area, the designation of the areas for mixed business (i.e. used for a combination of shop/retail/office with medium/high density residential) will deliver a long-term land use outcome that can adapt over time.

- ii) The DCA recommends that there be no further expansion of commercial uses along Albany Highway to consolidate the retail development in the main street and retain the present residential character of the area, whilst the RDS recommends that the area along Albany Highway to approximately Barker/Johnston Streets area be permitted for core retail/mixed business purposes.

The RDS does however propose a 12-month moratorium (with a possible 12-month extension) on any new retail uses being established in this area until after the Barnesby Ford/Action proposal and Primary School developments have been completed to enable the monitoring of the flow on effects to have been determined before allowing any development to proceed.

This affects a number of Precincts 1C (pp. 60-62), 2A (pp. 91-92), 4A (p. 98), 4C (p. 101-102) in the DCA document. Staff recommend that the RDS recommendation be prioritised over the DCA recommendation as follows:

- a) The recommendation regarding places nominated for local heritage and character precincts in the DCA shall take priority over any other recommendation from the RDS.
- b) The areas outside of a) above, nominated for residential use along Albany Highway in the DCA be made available for mixed business uses/retail core uses in accordance with the RDS recommendation.

DEVELOPMENT SERVICES REPORTS

Item 11.1.9 continued

- c) That Council commit to the monitoring and evaluation process recommended in the RDS before allowing new developments (other than Barnesby Ford/Action and Primary School proposals).
- d) The urban design from the DCA be retained and incorporated into development guidelines for the precincts.

The RDS acknowledges that, whilst the long-term use of this area is commercial, it is important that this transition be managed to prevent any adverse impact on the viability of York Street businesses. In accordance with the RDS, any new development would be contingent on the monitoring of the Action and Target proposals and their associated impacts.

- iii) The DCA seeks to deal with the resolution of parking issues in the central area and recommends that a number of discretionary powers be included in the new planning scheme to allow Council to grant/refuse applications for variations/dispensations to car parking requirements as well as other scheme provisions to assist Council to incorporate adequate parking into developments. This conflicts with the RDS which recommends that there be no discretionary variations in relation to car parking requirements in the retail core area (i.e. ensure that all developments provide the required amount of car parking bays and there should be no discretionary variations in relation to car parking requirements).

This affects Section 7.3.3 (pp. 114-119) of the DCA document. Staff recommend that the DCA recommendation be prioritised over the RDS recommendation and incorporate the recommended powers within the new planning scheme. The DCA recommendations will provide a robust and workable set of provisions within the new planning scheme to enable Councillors to ensure that adequate car parking (of an appropriate standard) is provided by developers of commercial uses. In certain circumstances, the scheme needs to allow for variations because design, heritage or other outcomes may need to have primacy and may need to be achieved. These powers should be supported by clear policies and guidelines to ensure consistent implementation.

- iv) Both draft strategies have different boundaries for their respective precincts. These boundaries will need to be refined during the preparation of the Local Planning Strategy and scheme maps.

- 12. Staff, subject to the above comments being recorded/noted, support the release of the draft DCA strategy for public consultation purposes.

Item 11.1.9 continued

RECOMMENDATION

THAT Council:

- i) receive the draft Defining Central Albany Report (November 2004) from Taylor Burrell Barnett;**
- ii) note the officer comments and recommendations on the draft Defining Central Albany Report;**
- iii) accept the following recommendations on the priority for points of conflict between the draft Defining Central Albany and Retail Development Strategies:**
 - a) within Precinct 4D of the Defining Central Albany Report:**
 - i. the area nominated for service commercial adjacent to Lockyer Avenue be made available for mixed business uses in accordance with the Retail Development Strategies recommendation;**
 - ii. the area nominated for residential use bordered by Middleton Road/Douglas Street/Stead Road/Young Street in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategies recommendation; and**
 - iii. the urban design outcomes from the Defining Central Albany Report be retained and incorporated into development guidelines for the precinct.**
 - b) within the affected parts of Precincts 1C, 2A, 4A and 4C of the Defining Central Albany Report:**
 - i. the recommendation regarding places nominated for local heritage and character precincts in the Defining Central Albany Report shall take priority over any other recommendation from the Retail Development Strategies;**
 - ii. the areas outside of a) above, nominated for residential use along Albany Highway in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategies recommendation;**
 - iii. that Council commit to the moratorium and monitoring/evaluation process recommended in the Retail Development Strategies before allowing new developments (other than the proposed Action Supermarket and Albany Primary School redevelopment proposals and other existing approvals); and**
 - iv. the urban design from the Defining Central Albany Report be retained and incorporated into development guidelines for the precincts.**
 - c) the Defining Central Albany recommendations for parking be prioritised over the Retail Development Strategy recommendation and they be incorporated within the new community planning scheme.**
- iv) undertake a 21-day advertising period for public consultation on the draft report; and**
- v) consider any submissions received following completion of the advertising period.**

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

11.1.10 Heritage Loan Scheme – Invitation to Become Member

File/Ward	: GOV 059 (All Wards)
Proposal/Issue	: Membership to WALGA Heritage Loan Scheme
Subject Land/Locality	: Items Listed in the City's Municipal Inventory
Proponent	: WA Local Government Association
Owner	: Various
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Consider Membership During 2005/06 Budget Deliberations
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. In 2003, the WALGA Heritage Loan Scheme (HLS) was introduced to provide access to loans at subsidised interest rates to community groups and private landowners interested in the preservation of local heritage items. Currently 21 Local Authorities are participating in the scheme and a 'one off, non recoverable payment' by Council would entitle residents in Albany to also access the low interest loans for restoration work on heritage buildings.

STATUTORY REQUIREMENTS

2. The Heritage of Western Australia Act 1990, requires all Local Authorities to identify heritage places in Local Government Inventories (commonly referred to as the Municipal Inventory). The City has an adopted Inventory with 276 places identified, mainly private residences.

POLICY IMPLICATIONS

3. The WALGA has established Principles that apply to the HLS and a copy of those Principles are attached to the report.

FINANCIAL IMPLICATIONS

4. For Inventory listed properties in the City of Albany to access the HLS, Council is required to provide a minimum donation to WALGA of \$63,200. The loans to individuals and community groups are administered by a committee, in conjunction with StateWest Credit Society, and set at 3% below the prevailing standard rates (secured and unsecured).

DEVELOPMENT SERVICES REPORTS

Item 11.1.10 continued

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Innovative development complementing Albany’s unique character, natural environment and heritage; and*
- *Providing a complete tourism experience.*

Mission Statement

The City of Albany is committed to ...

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

Priority Projects

Nil.”

COMMENT/DISCUSSION

6. A Heritage Council of WA publication recently advised that the HLS now has more than \$300,000 available in low interest loans to landowners in the fourth round of applications and that, since 2002/03, the HLS has made 64 loans ranging in value from \$5,000 to \$50,000.
7. Council previously provided financial assistance to CBD landowners to renovate the building facades and to restore weather protection over footpaths. That scheme was abandoned in the period shortly after the amalgamation as Council felt the program had delivered on its primary objective.
8. The City has given consideration to, but not sought to directly assist private landowners with heritage conservation funding in the past. The landowners with places on the City’s Inventory have been concerned that they have had community values imposed on them without a suitable compensation or incentive mechanism in place. The only assistance that Council has offered to landowners has been access to the Regional Heritage Advisor when she has been in the region; Council meets part of the cost of that advisor, through a program run by the Heritage Council of WA and has extended the contract arrangement to guarantee at least one day per month of dedicated time.

RECOMMENDATION

THAT Council consider during the 2005/06 Budget deliberations, the capacity to provide a donation of \$63,200 to the WA Local Government Association to allow those City of Albany residents with items on the City’s Local Government Inventory to access funding under the Heritage Loan Scheme.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.10 continued

PROPOSED HERITAGE LOAN SCHEME

INFORMATION FOR CONSIDERATION BY LOCAL GOVERNMENTS

PRINCIPLES

1. The philosophy of the Scheme is to provide access to subsidised loans to encourage the conservation of heritage on a statewide basis.
2. The Scheme be managed by a 5 member governing board comprising:
 - Three (3) Local Government representatives
 - WALGA President (or nominee)
 - Local Government representative on the Heritage Council (provided this is a current serving elected member or officer)
 - Local Government representative on the National Trust (provided this is a current serving elected member or officer);
 - One (1) Heritage Council representative; and
 - One (1) representative from the financial institution appointed to administer the Scheme.Ability to co-opt other members if required.
3. The Scheme be administered by a recognised financial institution, and expressions of interest from financial institutions be sought once level of support is ascertained.
4. The Scheme be self-supporting and self-generating.
5. The contribution by individual Local Governments be 0.5% of their rateable income for 1999/2000 or \$25,000 whichever is the lesser amount. The contribution will be a one-off donation that will be non-recoverable.
6. Funds from the Scheme will be available only to applicants located in Local Government areas where the Council contributes to the Scheme.
7. Funds from the Scheme will be available only for places listed on a Municipal Heritage Inventory (which has been adopted by the respective Local Government and lodged with the Heritage Council of WA), the State Heritage Register or a National Trust classification.
8. Funds from the Scheme may be allocated for moveable heritage conservation, provided the minimum loan is \$5,000 and the applicant can demonstrate suitable storage after conservation. Loans for such purposes will be dependent on suitable guidelines being developed.
9. Funds from the Scheme will be available to participating Local Governments, and community organisations and private individuals with a proven ability to repay the loan.
10. Loan applications will be considered by the governing board at least twice a year. The board will then refer suitable applications to the financial institution for consideration.
11. Participating Local Governments will be responsible for promoting the availability of the loan scheme and seeking applications.
12. It is anticipated that other details in relation to interest rates, minimum funding amounts, credit control, etc will be addressed once a financial institution has been appointed to administer the Scheme.

DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Local Law – Consider The Introduction Of A Local Law - Relating To The Control, Keeping And Welfare Of Cats

File	:	MAN 052 (All Wards)
Proposal/Issue	:	Consider the introduction of a local law relating to the control, keeping and welfare of cats.
Subject Land/Locality	:	City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Inspection Services (K Barnett)
Disclosure of Interest	:	Nil.
Previous Reference	:	OCM 21/09/04 - Item 11.2.1
Summary Recommendation	:	Council defer the introduction of a Local Law relating to the control, keeping and welfare of cats
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. At its meeting on 21 September 2004, Council considered an item on a proposal to introduce a Local Law relating to the control, keeping and welfare of cats and resolved:

“THAT Council consider the introduction of a Local Law for the Control, Keeping and Welfare of Cats and, prior to Council formally debating the issue, Staff provide Councillors with a comprehensive briefing on the issues associated with the introduction of the Local Law, including the approaches taken by other local authorities who have introduced Local Laws, any implementation issues that those local authorities have experienced, the capacity of Local Laws to deliver community expectations and an indicative financial model to minimise the costs associated with cat control.”

2. A briefing session on how other local governments have implemented similar local laws was held in March 2005.

STATUTORY REQUIREMENTS

3. The Local Government Act 1995 provides local governments with the power to make local laws considered necessary for the good government of their districts:

“Section 3.5 - Legislative power of local governments

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

“(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.”

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The cost of making a local law can be funded from the current budget.
6. The cost of implementing a local law is difficult to assess, as the level of enforcement, which would influence the cost together with arrangements on animal keeping and disposal, has not been established.

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil.

Mission Statement

The City of Albany is committed to...

- *Providing sound governance*

Priority Projects

Nil.”

COMMENT/DISCUSSION

8. The introduction of a “cat local law” would provide the City of Albany with the legal means to register and impound cats, however the potential impact on resources could be significant.
9. When a cat is trapped the City will be required to take on the responsibility for impounding it, looking after it, resolving disputes between neighbours and releasing and or disposing of it. Figures supplied by one local government suggest that most of the costs incurred are not recoverable as fewer than 1 in 5 of impounded cats were actually claimed by their owners.
10. While there is evidence to indicate that some cats do hunt, the level of predation on native fauna cannot be established. Most of the information and data used to discredit cats would appear to be based on supposition.
11. From information received it is apparent that, while some local governments have adopted local laws, their ability to fully implement them is severely hampered by either a lack of resources and/or legal implications associated with impounding cats.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

12. The introduction of a “cat local law” is not supported at this point as anecdotal evidence indicates that the few local laws adopted within Western Australia have not been effective. Statewide legislation, similar to the Dog Act, is a more appropriate method of informing and controlling the actions of the owners of cats.

RECOMMENDATION

THAT Council defer the introduction of a Local Law relating to the control, keeping and welfare of cats, until a Statewide approach to cat control is developed.

Voting requirement Simple Majority

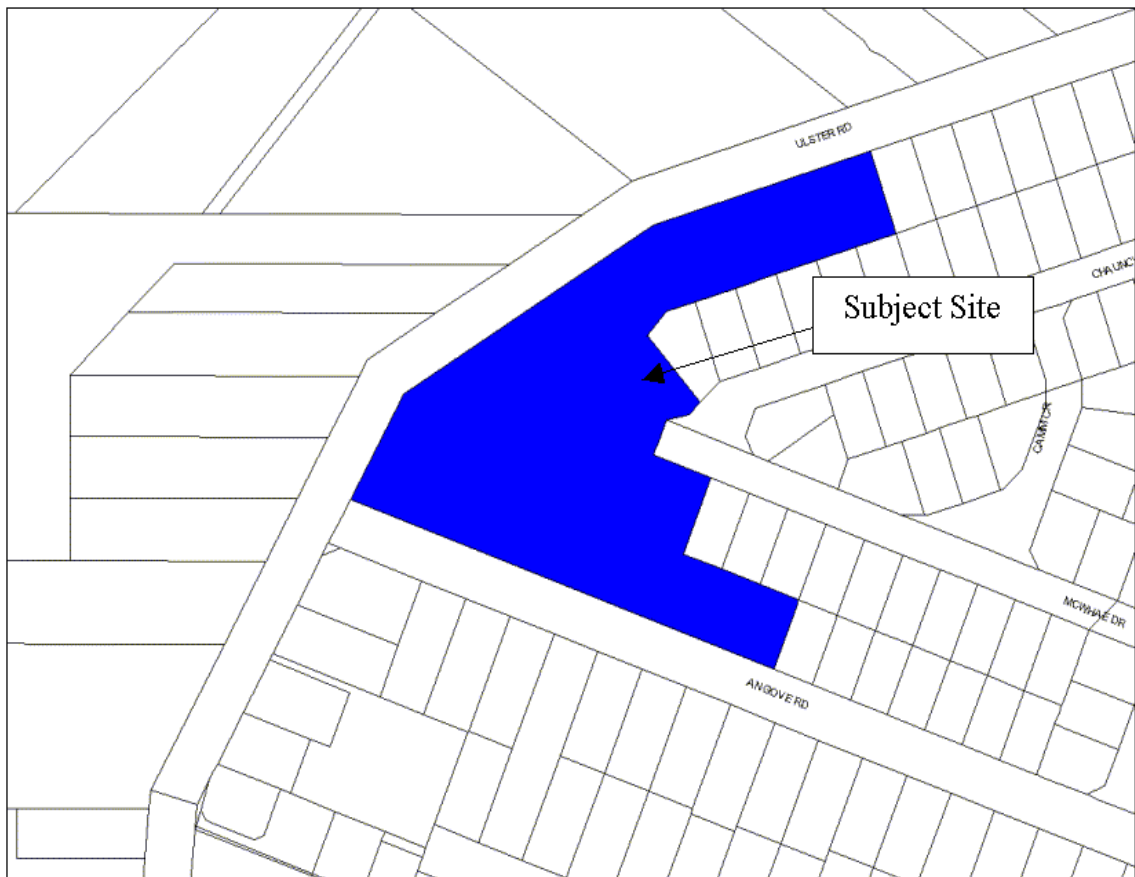
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DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Policy – Request to Advertise Policy – “Woodrise Estate”, Spencer Park

File/Ward	: MAN 047 (Breaksea Ward)
Proposal/Issue	: Introduce policy to guide fill and retaining on steep lots within Woodrise Estate
Subject Land/Locality	: “Woodrise Estate” (Angove Road & McWhae Drive), Spencer Park
Proponent	: Harley Survey Group
Owner	: Various
Reporting Officer(s)	: Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: To advertise policy
Bulletin Attachment	: Woodrise Estate Design Guidelines
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. An application to subdivide Lot 9007 Angove Road, Spencer Park into 28 residential lots was lodged with the Western Australian Planning Commission in August 2004 (refer to attached copy of the application). The subdivision represents the final stage of the Woodrise Estate.
2. The land subject to the subdivision, and in particularly proposed lots 630-634 and 655-662, has a slope in excess of 10%, with some lots having a slope of 18% or almost 1 in 5. As the proposed lots in this area are around 520m² with lot frontages of 17.5 metres, considerable fill and retaining would be needed to accommodate a conventional single storey dwelling.
3. The City of Albany supported the subdivision, with advice to the Western Australian Planning Commission, conditionally that the developer undertake earthworks and put in place retaining walls to produce lots with little or no slope.
4. The benefit of the developer installing retaining walls as part of the subdivision process is:
 - The retaining wall treatment is consistent (not a mixture of twin side, coffee rock, iron stone etc) thereby improving the presentation of the streetscape.
 - The cost of the developer installing the walls upfront would be minimal when compared to the cost of individual landowners undertaking the earthworks.
 - Issues such as privacy and overshadowing can be more easily controlled through house design, as the floor levels of surrounding dwellings have been set.
 - Excessive filling is avoided.
 - Neighbour disputes over retaining wall heights, their structural adequacy and materials used to construct them being eliminated.
 - Crossover grades and drainage issues are controlled.
5. The Western Australian Planning Commission accepted Council's recommendation and applied the following condition to the subdivision approval:

“15. Preparation and implementation of an earthworks plan for filling, cutting and retaining such that all lots are created with little or no slope.”
6. The applicant has lodged a reconsideration request with the Western Australian Planning Commission seeking to have the above condition deleted on the basis that:
 - Other lots the developer has retained as part of the subdivision process have failed to sell, or they have taken longer to sell on the market.
 - The costs of retaining and filling within the estate can range from \$20,000 to \$35,000 per lot.
 - The creation of flat retained lots in the estate will reduce choice for landowners and the building industry in considering pole homes or homes using brick build-up.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

7. Since the reconsideration request was lodged, the applicant has met with staff on several occasions and has now moved to a proposal to introduce design guidelines for the treatment of retaining walls upon those lots in excess of 10% slope. These guidelines would guide future landowners in relation to retaining and filling, rather than the developer installing walls.
8. Whilst there is already a 'Woodrise Estate Guidelines' policy, it is proposed that new provisions be introduced relating specifically to the steeper lots within the subdivision. A copy of the policy prepared by the proponent is included in the Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

9. Clause 7.21 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative:

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

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

POLICY IMPLICATIONS

10. The policy, if ultimately adopted by Council, will provide further controls for landowners wishing to undertake earthworks, and ultimately construct a dwelling on steep land within Woodrise Estate.

FINANCIAL IMPLICATIONS

11. The costs associated with advertising the policy will be borne by Council.

STRATEGIC IMPLICATIONS

12. Given the topography within Albany, this issue is likely to arise in a number of residential subdivisions on the periphery of Albany, including Bayonet Head, Yakamia and McKail. Whilst the developers of the Hillview Estate in Yakamia and The Sanctuary in McKail have chosen to construct retaining walls over steep sections of their subdivisions, there is presently no WAPC policy that specifically addresses the issue.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

13. Council could introduce clauses into it's Town Planning Scheme to address the issue, however support would be needed from the Western Australian Planning Commission to apply the standards through it's approval process.

COMMENT/DISCUSSION

14. The proposed modifications to the existing policy are suggested to be confined to two areas, being building height and retaining wall guidelines on lots with a slope greater than 10%. Both areas specifically apply to Lots 630 - 634 and 655 - 662.

Building Height

15. In relation to building height, the policy (protected by covenant) encourages dwellings of brick build-up construction (retaining soil within the building footprint) or pole home construction, so as to reduce the need for retaining on the lot boundary, a height bonus of 1.5 metres would apply to suit these buildings. The height bonus would be in addition to the Category B height standards specified in the Residential Design Codes.
16. The 1.5 metre height bonus would allow landowners to achieve a two-storey residence should they choose a dwelling that sits at, or marginally above, natural ground level.

Retaining Walls/Fill

17. In relation to earthworks and retaining wall construction, the proponent has modified the policy so that that the following controls would be introduced:
 - The maximum height of a retaining wall at the boundary being no higher than 2 metres.
 - The maximum height differential between two neighbouring properties being 2 metres after the placement of retaining walls on/or adjacent to the shared boundary.
18. It is also been proposed by the proponent to insert a section in the policy requiring the following information on application for a retaining wall greater than 500mm on the boundary (which requires planning scheme consent under the Residential Design Codes and the Scheme):
 - Consideration of the retaining requirements of the neighbouring properties with a view towards cooperation between neighbours to promote a standard treatment and reduce overall retaining costs.
 - Design and materials of the retaining wall being provided.
 - The structural adequacy of the retaining wall.
 - The finished sand pad level.
 - Elevations of the retaining wall, along all boundaries the retaining wall is situated with heights specified regularly along it.
 - Achieving where possible an equal amount cut and fill to closer retain the natural topography of the land.
19. The policy seeks to encourage alternative housing designs by promoting an additional height bonus of 1.5 metres for pole homes and/or those dwellings using brick build-up to retain within the building footprint. The proponent has spoken to representatives of the housing industry who have advised that alternative housing designs could be constructed at a similar cost to a standard dwelling plus earthwork costs.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- 20. Where traditional concrete pad dwellings are proposed maximum retaining wall heights have been incorporated, inclusive of taking into account height differentials between two neighbouring properties. The purpose of requesting a maximum height differential of 2 metres is to facilitate the construction of dwellings that more closely follow the natural contours of the land, and will reduce the need for excessive retaining walls.
- 21. In order to promote continued awareness of the policy, the proponent has also proposed to apply restrictive covenants to the steep lots that are subject to the subdivision application. As the covenants will be retained on the title of these properties, new landowners will be made aware of the constraints of the land and of Council's requirements in relation to constructing retaining walls.

RECOMMENDATION

THAT:

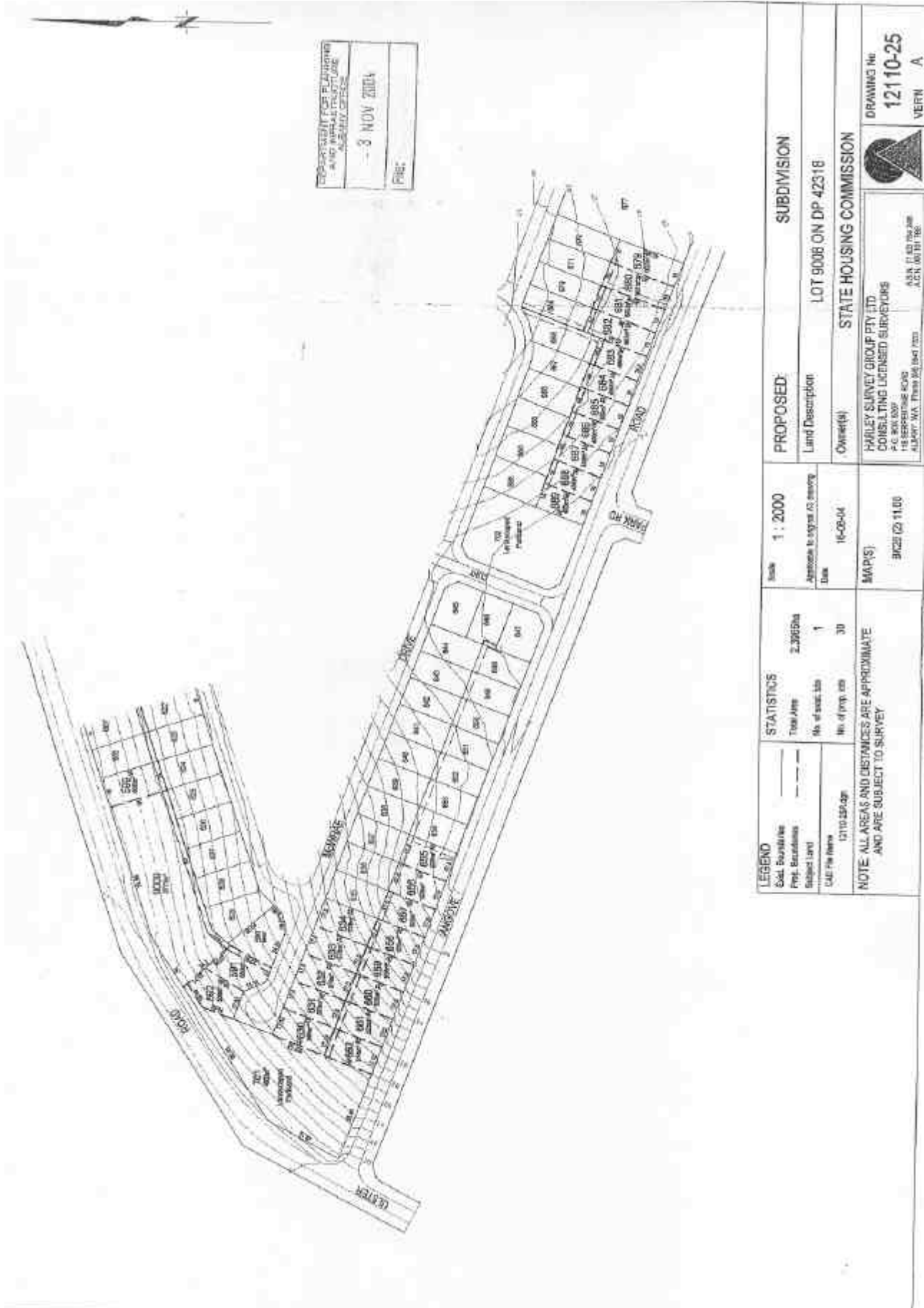
- i) **Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to advertise the draft policy titled 'Woodrise Estate Guidelines'; and**
- ii) **subject to a statement of undertaking being received by the developer that restrictive covenants will be applied to Lots 630 - 634 and 655 – 662, Council advises the Western Australian Planning Commission that Condition 15 of WAPC Reference 126168 is no longer required.**

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING AGENDA – 19/04/05
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

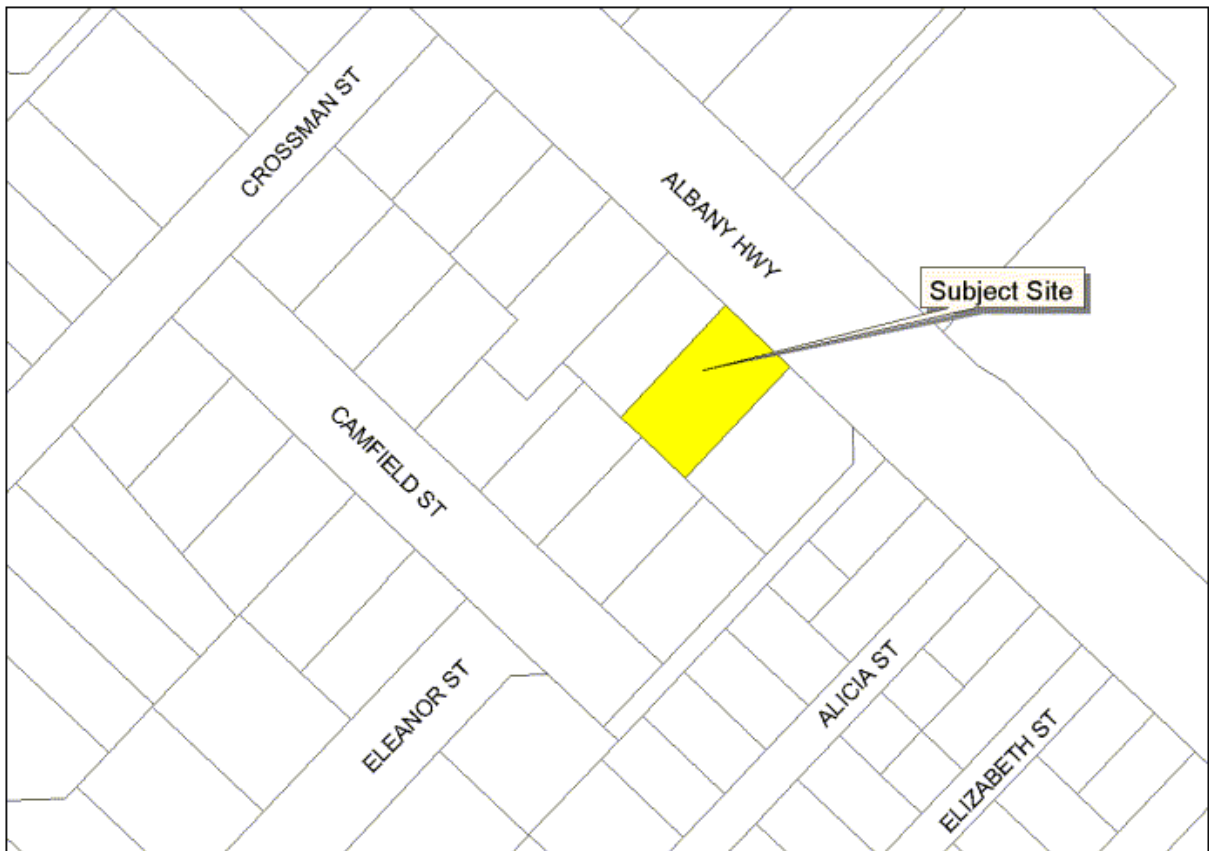


LEGEND		STATISTICS		PROPOSED SUBDIVISION	
Exst. Boundaries	---	Total Area	2,396.04a	Land Description	LOT 9006 ON DP 42318
Prop. Boundaries	- - -	No. of lots	1	Owner(s)	STATE HOUSING COMMISSION
Subject Land	---	No. of prop. lots	30	MAP(S)	9122 (2) 11.00
DAE File Name	12110-250.dgn	NOTE: ALL AREAS AND DISTANCES ARE APPROXIMATE AND ARE SUBJECT TO SURVEY.			
Scale	1 : 2000	DRAWING No. 12110-25			
Approvals to sign as meeting		VERN A			
Date	16-03-04	ALBERT W.A. Thomas 944 8447 7023			
HARLEY SURVEY GROUP PTY LTD CONSULTING LICENSED SURVEYORS P.O. BOX 6307 118 SERRAVALLO ROAD ALBERT W.A. 6100					

DEVELOPMENT SERVICES REPORTS

11.3.2 Initiate Scheme Amendment – Lot 1013 Albany Highway, Mount Melville

File/Ward	:	A85466A (Fredrickstown Ward)
Proposal/Issue	:	Formal request to rezone Lot 1013 from 'Clubs and Institutions' to 'Special Site'
Subject Land/Locality	:	Lot 1013 Albany Highway, Mount Melville
Proponent	:	Kingspath Pty Ltd
Owners	:	Kingspath Pty Ltd
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/10/04 - Item 11.3.1
Summary Recommendation	:	Initiate the amendment
Bulletin Attachment	:	Amendment documentation
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. At its meeting dated 19 October 2004 Council resolved:
“THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Lot 1013 Albany Highway, Mount Melville from ‘Clubs and Institutions to ‘Special Site’.”
2. The applicant has prepared amendment documents to rezone the site from the ‘Clubs and Institutions’ zone to ‘Special Site’, with a base zoning of Residential (R30) and the additional permitted uses of ‘professional office’ and ‘medical centre’.
3. The site is the former Albany Silver Band building and is located opposite McDonald’s.
4. A copy of the applicant’s proposal is contained in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

5. Council’s resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the Scheme.
6. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
7. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
8. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

9. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 – State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The draft Defining Central Albany Strategy (2005).
10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

STRATEGIC IMPLICATIONS

12. The subject land is contained within Sub Precinct Plan 1C of the draft Defining Central Albany Strategy, which states:
- *This precinct should represent the western and south-western limit of office/medical consulting room development.*
 - *Any new buildings or those that are replaced or modified should be compatible proportioning and scale to the existing heritage buildings.*
13. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

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

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

Mission Statement

The City of Albany is committed to ...

- *providing sound governance*

Priority Projects

Nil.”

COMMENT/DISCUSSION

14. Although the building is not listed within Council’s Municipal Heritage Inventory, the front façade of the building facing Albany Highway has identifiable heritage value, which complements adjacent heritage-listed buildings.
15. Subject to this façade being retained, inclusive of window details, scale and height, renovations and additions to the building will only improve the building’s appearance and contribute to a more desirable streetscape.
16. On-site car parking will need to be provided in accordance with Council’s parking requirements.
17. Staff are supportive of the rezoning to ‘Special Site’, allowing for office and/or medical centre development, as it is consistent with the zoning of surrounding land, and will facilitate the adaptive re-use of a dilapidated building.

RECOMMENDATION

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 1A by:

- rezoning Lot 1013 Albany Highway, Mount Melville from the ‘Clubs and Institutions’ zone to ‘Special Site’, with a base zoning of Residential (R30) and the additional permitted uses of ‘professional office’ and ‘medical centre’; and**
- amending the Scheme Maps accordingly.**

Voting Requirement Simple Majority

11.4 RESERVES PLANNING

Nil.

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Mt Martin Regional Botanic Park Advisory Committee meeting minutes – 24th February 2005

File/Ward	:	MAN 072 (Kalgan Ward)
Proposal/Issue	:	Committee items for Council consideration.
	:	
Reporting Officer(s)	:	Parks and Reserves Planner (B Green)
Previous Reference	:	OCM 19/10/04 - Item 11.5.1
Summary Recommendation	:	That the minutes of the Mt Martin Regional Botanic Park Advisory Committee meeting held on 24 February 2005 be received.
Bulletin Attachment	:	Minutes

RECOMMENDATION

THAT Council receives the minutes of the Mt Martin Region Botanic Park Advisory Committee meeting held on 24 February 2005.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.5.2 Bushfire Management Committee meeting minutes – 16th March 2005

File/Ward	:	MAN 089 (All Wards)
Proposal/Issue	:	Committee items for Council consideration
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Summary Recommendation	:	That the minutes of the Bushfire Management Committee held on 16 March 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Bushfire Management Committee held on 16 March 2005 be received (copy of minutes are in the Elected Members' Report/Information Bulletin) and the following motions be adopted:-

Item 7.1

THAT Council consider the issue of travel costs incurred by the CBFCO and pay mileage costs for travel within the City on Volunteer Bush Fire Brigade business. When travel is outside the district, arrangements shall be made to the satisfaction of the Executive Director Development Services.

Item 9.1

THAT all of the recommendations within this report be considered urgent business and deliberated at this Advisory meeting. Those items that time will not allow to complete be placed on the agenda for the next Advisory meeting.

- i) FESA be requested to develop the simulator for bush fire training as soon as possible;**
- ii) Albany Fire Service (FESA) be requested obtain a unit to be based in the Albany office and have someone at fire services trained up in its use immediately it is available;**
- iii) those Volunteer Senior Officers, who wish to be trained to use the simulator, be trained up to assist brigades;**
- iv) a meeting of Senior Officers be held twice a year. One before the fire season starts and one after the fire season expires;**
- v) the supply of a vehicle or payment of an extra-gratis payment to the CBFCO be given the recognition and deliberations the issue deserves and that the vehicle be supplied or extra-gratis payment approved as expediently as possible;**
- vi) a FCO's and DFCO's meeting be held at least once, if not twice a year in the future; and**
- vii) the Bornholm training officer and her assistant be invited to the next Advisory meeting fully explain to the brigades how the exercise operates with a view of those brigades and agencies who wish to join in, to hold a major Albany exercise after the fire season.**

DEVELOPMENT SERVICES REPORTS

Item 11.5.2 continued

Item 9.2

THAT Council endorse the following changes to be made in the 2005/06 City of Albany Firebreak Notice:

OPTIONAL PERIMETER

Gnowellen, Green Range, Kalgan, Kojaneerup, Manypeaks, Napier, South Stirling and Wellstead Areas:

Owners and/or occupiers of land in the above brigade areas have the OPTION of installing PERIMETER FIREBREAKS on their land, subject to the following conditions:

- i) This will be granted for properties in excess of 10 hectares (This clause not applicable in the Kalgan Brigade area);**
- ii) Vacant land/absentee landowners/occupiers must have firebreaks unless they reside within the brigade district in question, or they reside within an adjacent brigade of the property including outside the boundary of the City of Albany, or an employee resides on the property;**
- iii) Must have undertaken hazard reduction around buildings and fuel dumps to a minimum distance of 20 metres;**
- iv) Around all buildings must be an area at least 4 metres wide and with a vertical clearance of 4 metres to allow access for a fire appliance; and**
- v) The owner/occupier/employee must have a serviceable fire unit located within the brigade area, with a capacity of not less than 400 litres (This clause not applicable in the Kalgan Brigade area).**

Item 9.3

THAT Council endorse the following changes to be made in the 2005/06 City of Albany Firebreak Notice:

South West Sector (Bornholm, Elleker, Highway, King River, Redmond, South Coast, Torbay, Youngs Brigade Areas)

Firebreaks are to be installed on or by the 1 December and maintained clear of all flammable matter up to and including 30 March 2004 (or as otherwise gazetted) and should be:

- i) A 3 metre wide firebreak is required with a 4 metre vertical clearance;**
- ii) Mineral earth and ploughed, scarified, cultivated, burned, chemically sprayed, mowed or slashed to a height of no more than 50 mm from the soil or otherwise maintained clear of flammable matter;**
- iii) Hazard reduction around buildings and fuel dumps to be a minimum distance of 20 metres; and**
- iv) Access to all buildings to be at least 4 metres wide with a vertical clearance of 4 metres.**

Item 9.4

THAT Council endorse, that;

- i) subject to brigade members volunteering their service and the incurred costs being recouped through the wildfire funding program, the City of Albany agree to provide taskforces for FESA wildfires outside the City of Albany;**
- ii) appropriate protocols be put in place to ensure adequate levels of fire cover are maintained throughout the City during periods when fire appliances and volunteers are called away from the region for extended periods; and**

DEVELOPMENT SERVICES REPORTS

Item 11.5.2 continued

- iii) the CBFCO, the DCBFCO (SW) and DCBFCO (NE) be consulted prior to a taskforce being assembled to ensure appropriate contingency planning is in place to cover appliance and manpower deficiencies.

Item 9.5

THAT;

- i) items c, d, g, j l, k, s, be removed from the list of issues to be resolved between VBFB members and the City of Albany;
- ii) the CBFCO raise concerns with items (l), (p), (t) and (v) at the next DOAC meeting to determine the views of other VBFB's in the Great Southern Region;
- iii) City of Albany staff provide comprehensive reports to future Advisory Committee meetings on items (x), (n), (u), (f), (h), (o), (p) and (q) above (in that order of priority) and that resolution of the remaining items be temporarily held in abeyance; and
- iv) the City of Albany staff report to the next Management Committee meeting on item (t) above and seek clear direction from Council on the City's capacity to supply a vehicle.

Item 9.6

THAT Council endorse the above proposal for the City of Albany Risk to Resource Model be sent to FESA for consideration in the 16 year State Resource Plan and that those appliances to be removed from the list be maintained till the end of their serviceable life.

Voting Requirement Simple Majority

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General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

14.2 ORGANISATIONAL DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.3 ECONOMIC DEVELOPMENT

14.3.1 Adoption of *“Making it Happen”* – A Strategy For Council’s Involvement in Economic Development

File/Ward	: STR 199 (All Wards)
Proposal/Issue	: Economic Development Strategy
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager Economic Development (J Berry)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 18/01/05 – Item 14.3.1
Summary Recommendation	: That Council adopt the Economic Development Strategy.
Bulletin Attachment	: 1. Copy of stakeholder comments 2. <i>“Making it Happen”</i> – A strategy for Council’s involvement in economic development (Final Draft)
Locality Plan	: N/A

BACKGROUND

1. *‘Making it Happen’* is a strategy framework to guide the City of Albany’s involvement in Economic Development over the next five years. It is an initiative flowing from the City of Albany’s strategic plan ‘Albany 3D’, which was adopted by Council in October 2004.
2. As part of a review of the City of Albany’s organisational objectives in 2003, the Albany community was asked to share their views and vision for Albany’s future and to clarify priority objectives. Input was received via a series of community futures workshops, community surveys and open public consultation. Economic development was rated a high priority for Council to pursue and is embedded in the community vision of Albany being a learning city, a healthy city and a thriving city.
3. The process of preparing the strategy commenced with a workshop with elected members, facilitated by Mr Norman Venus held on 30 November 2004. The workshop set out to define economic development, profile what Council is already doing in economic development, examine who else is involved in economic development, review key statistical indicators and development prospects and discuss the type of development Albany should aim for. Outcomes from the workshop were used to prepare the draft strategy.
4. In January 2005 Council endorsed the draft strategy and invited stakeholder comment. Comments were received from the following organisations:-

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

- South Coast Progress Association
- Great Southern Area Consultative Committee (via personal meeting)
- Great Southern TAFE
- Tourism Western Australia
- Wellstead Progress Association
- Albany Port Authority
- Department of Indigenous Affairs

A copy of the stakeholder comments is provided in the elected members' bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. Adoption of the strategy will supersede the City of Albany Economic Development Policy adopted on 17 July 2001. Town Planning Scheme policies may change as a result of recommended reviews.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

A Thriving City is one where the community will enjoy the benefits of economic growth that results in...

- *Excellent community infrastructure and services;*
- *Dynamic promotion & marketing of Albany's advantages and opportunities;*
- *Innovative development complementing Albany's unique character, natural environment and heritage*
- *Being the regional retailing and services hub;*
- *Providing a complete tourism experience; and*
- *A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities accessible to the community and attractive to private investment.*

A Learning City recognises the crucial importance of learning as a major driving force for the future prosperity, stability and well being of our citizens'. The City will strive for...

- *Recognition of education, research and training as an economic development driver;*
- *Strong links with knowledge-based organisations;*
- *A well-educated work force that recognises and commits to life long learning;*
- *International University Town recognition;*
- *Wide availability of technical skills development through TAFE and other training organisations;*

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

- *Excellent Primary and Secondary schooling options; and*
- *A collaborative education, research and training environment that allows seamless pathways to professional and workplace skills.*

A Healthy City is one where the community enjoys healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities;*
- *Major regional health services providing a complete range of quality health services, for all ages;*
- *Encouraging alternative forms of transport and implementing an effective public transport system; and*
- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

Mission Statement

The City of Albany is committed to...

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

Priority Projects

Identified in Major Planning Projects (Number 34), namely, to establish clear direction on Council's involvement in Economic Development activities.

COMMENT/DISCUSSION

9. The table below provides an outline of written submissions received and proposed amendments to the draft strategy. Copies of submissions are included in the Elected Members' Bulletin. In addition the Great Southern ACC has made some broad suggestions and comments on the document (via a personal meeting).

Organisation	Proposed Actions
South Coast Progress Association	Noted <ul style="list-style-type: none"> • Proposed Sea Change Committee to be established for longer term strategic planning issues raised • Inclusion of Member for Stirling on Leadership Forum
Great Southern TAFE	Better recognition of the agricultural sector as an economic driver for Albany
Tourism Western Australia	Ensure ongoing partnerships with Tourism WA and Australia's South West are further developed as suggested
Wellstead Progress Association	<ul style="list-style-type: none"> • Impacts of proposed magnetite mine to be considered in land release strategic town planning. Council sits on interagency working group for the project • Other issues noted, relating to learning city and tourism development and better recognition of rural townships
Albany Port Authority	Better recognition of the Port as an enabler of economic development
Department of Indigenous Affairs	Recognition of the Aboriginal Accord as an instrument to further Aboriginal economic development
Great Southern Employment Development Committee	Noted and recognition of comments.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

10. A copy of the final draft document '*Making it Happen*' is available in the Elected Members' Report and Information Bulletin.

RECOMMENDATION

THAT Council note the submissions from stakeholder organisations and adopt the Economic Development Strategy '*Making it Happen – A Strategy for Council's involvement in Economic Development*'.

Voting Requirement Simple Majority

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GENERAL MANAGEMENT SERVICES REPORTS

14.3.2 Request for Financial Assistance – Albany Visitors Centre

File/Ward	:	REL 115 (All Wards)
Proposal/Issue	:	Request for Financial Assistance
Subject Land/Locality	:	N/A
Proponent	:	Albany Visitor Centre
Owner	:	N/A
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That the request be approved and committee be formed.
Bulletin Attachment	:	Albany Visitors Centre letter
Locality Plan	:	Nil

BACKGROUND

1. The City has traditionally provided an annual operating grant to the Albany Visitors Centre. In the 2004/2005 year \$120k has been allocated.
2. The Centre has generally managed to break even with the assistance of the annual grant but on this occasion is likely to incur a significant deficit without further assistance.
3. The Manager for the Centre recently resigned and the Board has assumed management of the facility pending resolution of the current financial predicament.
4. The Board has requested that the City engage the services of an interim manager pending the resolution of this current financial predicament and the establishment of a short, medium and long term strategy for the future direction of the Albany Visitors Centre and its relationship with the City.

STATUTORY REQUIREMENTS

5. Approval of this request will require a variation to budget and an absolute majority vote.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. Funding for a Level 5 casual position for the 11 week period amounts to approximately \$11,000.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Dynamic promotion and marketing of Albany advantages and opportunities;*
- *Providing a unique tourism experience.*

Mission Statement:

The City of Albany is committed to...

- *Delivering excellent community services.*

Priority Projects:

Major Planning Project No 4 Economic Development Strategy”

City of Albany – Tourism Strategy

Strategic Focus Area 5

Visitor Servicing

1. *Continue ongoing support of the Albany Visitors Centre.*
3. *Establish a 5 year service agreement between the City and the Albany Visitors Centre that recognise the roles and responsibilities of both parties and provides funding surety based upon agreed performance criteria.”*

COMMENT/DISCUSSION

8. The Albany Visitor Centre has proposed the appointment of an interim manager until 30 June 2005 and to establish a working group comprising of 3 Council members, Chief Executive Officer, 3 Board Members and interim Manager whose brief will be to:
 - Investigate the current financial predicament of the Albany Visitors Centre.
 - Establish the future strategic direction of the Albany Visitors Centre.
 - Appoint a new manager to take up the duties after a strategy has been formulated and agreed to by both parties.
9. What is proposed by the Albany Visitors centre essentially concurs with the Tourism Strategy directive to establish a 5 year service agreement with the City.
10. The interim manager would be a fixed term employee of the City report in an administrative sense to the Chief Executive Officer.

RECOMMENDATION

THAT Council;

- i) **engage the services of an interim manager for the Albany Visitors Centre for the period 20 April 2005 to 30 June 2005; and**

GENERAL MANAGEMENT SERVICES REPORTS

- ii) **appoint the Chief Executive Officer and Councillors _____, _____ and _____ to a working group also comprising the interim manager and 3 Albany Visitors Centre Board Members whose terms of reference is to:**
- a) **investigate the current financial predicament of the Albany Visitors Centre;**
 - b) **establish the future strategic direction of the Albany Visitors Centre; and**
 - c) **appoint a new manager to take up duties after a strategy has been formulated and agreed to by both parties.**

Voting Requirement Absolute Majority

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GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEE

14.4.1 Albany Tourism Marketing Advisory Committee meeting minutes – 23rd March 2005

File/Ward	: STR 103 (All Wards)
Proposal/Issue	: Council endorse the minutes of the Albany Tourism Marketing Advisory Committee, including a recommendation to establish a new position of Tourism Development Officer
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager, Economic Development (J Berry)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 21.12.04 – Item 14.3.2 OCM 15.02.05 – Item 14.3.1
Summary Recommendation	: That Council endorse the minutes of the Albany Tourism Advisory Committee and establish a position of tourism development officer to facilitate the preparation and implementation of a tourism marketing plan
Bulletin Attachment	: Minutes of Albany Tourism Marketing Advisory Committee (01/05)
Locality Plan	: N/A

BACKGROUND

1. At its 15 March 2005 meeting, Council adopted a strategy to define its role in tourism development over the next five years. Council has also previously resolved to establish a Tourism Marketing Advisory Committee which had its inaugural meeting on 23 March 2005 [refer minutes in the Elected Members Bulletin]
2. The terms of reference of the Committee are to facilitate the preparation of a tourism marketing plan that:-
 - establishes a distinctive Albany brand
 - identifies target tourism market segments
 - identifies the mix of marketing activities required to access identified market segments
 - establishes a five-year action plan
 - establishes measurement tools to gauge industry growth.
3. The Committee has recommended Council appoint a Tourism Development Officer that would report to the Manager Economic Development and work with the Committee to develop and also implement the marketing plan. This approach was preferred to commissioning an external consultant to develop the proposed plan.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. The City of Albany Tourism strategy was adopted by Council on 15 March 2005

FINANCIAL IMPLICATIONS

6. In 2004/05 approximately \$90,000 was allocated for tourism strategy implementation. It is proposed the position be financed from the existing budget in 04/05 and then resourced as a standing budget allocation thereafter, leaving airport transfer payments for tourism marketing activities.
7. The tourism development officer will be appointed at Level 5 with a remuneration range \$44,268-\$46,600 with additional costs (Superannuation, Workers Comp, LSL, travel and operating costs estimated at approx \$14,000)

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Dynamic promotion & marketing of Albany’s advantages and opportunities; and*
- *Providing a complete tourism experience.*

Mission Statement

The City of Albany is committed to...

- *Promoting our Community’s vision for the future.*

Priority Projects

Operational Improvement Project No 4, namely, establish clear direction on Council’s involvement in Economic Development activities. Includes the development of an action plan on Tourism.”

COMMENT/DISCUSSION

9. Reporting to the Manager, Economic Development, the position would work closely with the Tourism Marketing Advisory Committee and also directly liaise with tourism operators and other industry and government bodies which have a role in tourism marketing and development. (eg ASW, GSMA, Tourism WA)

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

10. Specifically the officer would:-
- Prepare the proposed marketing activities plan
 - Facilitate co-operative marketing tactics that emerge from the marketing plan (eg consumer promotions, initiating strategic advertising, direct selling, attract positive exposure for Albany in all forms of media; organise trade shows; facilitate familiarisations of Albany to key travel organisers etc).
 - Budgeting, research and data analysis
 - Develop databases of tourism and hospitality industry contacts and maintain strong networks (including Australia's South West, Tourism WA, Perth Convention Bureau and the Great Southern Marketing Association)
 - Assist the Manager Economic Development with other tourism projects identified in the tourism strategy.
11. It is proposed that consulting resources be used for technical areas such as brand development. Student resources from Murdoch University are also being investigated to assist the City with target market research and preliminary research into prospective visitor perceptions of Albany.

RECOMMENDATION

THAT Council;

- i) endorse the minutes of the Albany Tourism Advisory Committee held on 23 March 2005; and**
- ii) establish a new position of tourism development officer reporting to Manager, Economic Development to work with the Albany Tourism Marketing Advisory Committee on the preparation and implementation of a tourism marketing plan.**

Voting Requirement Simple Majority

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Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil.

WORKS & SERVICES REPORTS**13.2 ASSET MANAGEMENT****13.2.1 Additional Road Funding – “Road Project Special Allocation 2004/2005”**

File/Ward	: REL 088, GOV 089 (West, Harbour, Hassell Wards)
Proposal/Issue	: Road Project Special Allocation 2004/2005
Subject Land/Locality	: Designated Regionally Significant Roads Designated Timber Industry Road Evaluation Strategy (TIRES Roads)
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager Asset Services (G Edwards)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That the amount of \$844,694 be received and the budget adjusted accordingly.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. An additional \$14.976m has been made available to regional areas as "Road Project Special Allocation 2004/2005". The Great Southern Regional Road Group, which is responsible for the Local Roads Programme in the Great Southern Region, has been allocated an additional \$1,523,470. Of this, \$304,694 is available to the City of Albany for expenditure on specific, previously determined road projects of regional significance.
2. \$2m has been allocated for distribution to the Great Southern and South West region of which \$540,000 being available to the city of Albany for expenditure on specific, priority Timber Industry Road Evaluation Strategy (TIRES) roads.
3. Conditions which have been placed upon the "Road Project Special Allocation 2004/2005" and the TIRES funding are:
 - The State will contribute a maximum of $\frac{2}{3}$ of the project cost with Local Government to meet a minimum of $\frac{1}{3}$.
 - Local Governments have until 30 June 2006 to complete the projects under the special funding arrangement but are encouraged to spend the majority of the funds by 30 June 2005.
 - Local Governments are to meet their $\frac{1}{3}$ contribution by no later than 30 June 2006.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

- Projects funded from the “ Roads Project Special Allocation 2004/2005” will be audited.
- Projects will be clearly identified as “Road Project Special Allocation 2004/05”, (with one off conditions applied) from projects funded by the 2004/05 Local Roads Programme.

4. The City of Albany projects qualifying for a “Road Project Special Allocation 2004/2005” are:

Great Southern Regional Road Group

Road	Section	Special Allocation
Frenchman Bay Road	8.0 to 12.0	\$180
Lower Denmark Road	28.0 to 32.0	\$47,514
Ulster Road	2.2 to 3.4	\$257,000
Total		\$304,694

Great Southern TIRES

Road	Section	Special Allocation
Palmdale Road	9.4 to 25.7	\$130,000
Pfeiffer Road	13.0 to 27.5	\$140,000
Mettler Road	8.0 to 13.0	\$70,000
Deep Creek Road	00 to 14.6	\$200,000
Total		\$540,000

5. The projects have been endorsed by the State Road Funds to Local Government Advisory Committee.

STATUTORY REQUIREMENTS

6. Section 6.8 (1) (b) of the Local Government Act 1995 states:

“i) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution. (Absolute majority)

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government's annual budget.

ii) Where expenditure has been incurred by a local government it is to be included in the annual budget for that financial year.”

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.2.1 continued

FINANCIAL IMPLICATIONS

- 8. The City of Albany will receive an additional \$844,694, subject to contributing \$422,347.

STRATEGIC IMPLICATIONS

- 9. This item is consistent with the objectives of the City of Albany 3D Corporate Plan.

“Community Vision

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

Mission Statement

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

Priority Projects

Nil”

COMMENT/DISCUSSION

- 10. The “Road Project Special Allocation 2004/2005” is one off. There is no guarantee that:
 - The Great Southern Region will continue to receive the additional funding.
 - The funds will be available to the City of Albany at a future date.
 - The designated projects will be funded as priorities through either the annual Great Southern TIRES or Local Roads Programmes.
- 11. The identified budgetary shortfall of \$37,820 is comparatively small and can be accommodated during 2004/2005 or, if necessary the 2005/2006 Adopted Budget.
- 12. The opportunity is available for:
 - Funding projects in the Local Roads Programme where future funding is uncertain and subject to Great Southern Regional Road Group endorsement.
 - Better preparing specific City of Albany Roads for the increasing impact of plantation timber haulage.

RECOMMENDATION

THAT Council receives the “Road Project Special Allocation 2004/2005” of \$844,694 and adjusts the budget accordingly.

Voting Requirement Absolute Majority

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WORKS & SERVICES REPORTS

13.2.2 Acquisition of lot 16 for District Drainage

File/Ward	: A174099 (Kalgan Ward)
Proposal/Issue	: District drainage
Subject Land/Locality	: Lot 16 Coogee Street, Milpara
Proponent	: Main Roads Western Australia
Owner	: Main Roads Western Australia
Reporting Officer(s)	: Manager Asset Services (G Edwards)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council accepts management responsibility for lot 16 Coogee Street
Bulletin Attachment	: Nil
Locality Plan	:



WORKS & SERVICES REPORTS

Item 13.2.2 continued

BACKGROUND

1. The Commissioner of Main Roads owns lot 16 Coogee Street, Albany that was purchased in 1976 for drainage purposes associated with the construction of Albany Highway.
2. Lot 16 Coogee Street is almost entirely occupied by the watercourse that was constructed to rationalize drainage in the area.
3. The property adjoins lot 707 (Reserve 43653) which is Crown Land vested in the City of Albany for Parks and Gardens.
4. The Commissioner of Main Roads has agreed to cede lot 16 Coogee Street to the City of Albany subject to:
 - The property reverting to the State and being added to Reserve 43653, for vesting with the City of Albany for Parks and Gardens;
 - The City of Albany accepting ongoing responsibility and maintenance of the land.
5. Main Roads has discussed the matter with the Regional Manager at the Department of Planning and Infrastructure who has advised that the proposal is acceptable.

STATUTORY REQUIREMENTS

6. The Land Administration Act 1997 applies for re-describing of the land.

POLICY IMPLICATIONS

7. There are no policy implications relating to this item

FINANCIAL IMPLICATIONS

8. There are no significant financial implications arising from the amalgamation of lot 16 Coogee Street with Reserve 43653.
9. The opportunity to obtain, as crown land, the freehold property without the payment of compensation is a financial benefit.

STRATEGIC IMPLICATIONS

10. This item is consistent with the objectives of the City of Albany 3D Corporate Plan.

“Community Vision

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

Mission Statement

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

Priority Projects

Nil”

WORKS & SERVICES REPORTS

Item 13.2.2 continued

COMMENT/DISCUSSION

11. The City of Albany has an existing drainage issue in the vicinity of lot 16 Coogee Street.
12. Lot 16 Coogee Street is integral to the main drainage system for the McKail and Milpara localities.
13. It would be advantageous for the City of Albany to obtain management control of the subject land for district drainage purposes.

RECOMMENDATION

THAT Council;

- i) **supports the ceding of lot 16 Coogee Street by the Commissioner of Main Roads to the Crown for amalgamation with Reserve 43653; and**
- ii) **agrees to accept management responsibility for lot 16 Coogee Street when amalgamated with Reserve 43653.**

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS**13.3 WORKS****13.3.1 Contract C04040 – Purchase and Removal of Scrap Metal**

File/Ward	: C04040 (All Wards)
Proposal/Issue	: Purchase and Removal of Scrap Metal to 30 June 2006
Subject Land/Locality	: Hanrahan Road and Bakers Junction Waste Sites
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Manager City Services (S Massimini)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Council award Contract C04040 to Aussie Scrap Metal
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. Scrap Metal is sourced from the community in various forms, such as car bodies, white goods, drums, sheet iron etc and stockpiled at the City's Waste Sites at Hanrahan Road and Bakers Junction (car bodies to Bakers Junction only). This waste is on sold to scrap metal dealers for recycling purposes. This practice is in line with the City's Waste Minimisation Strategy designed to minimize waste to landfill, it also provides a source of income to Council.
2. A request for tenders was published in the West Australian Newspaper on Saturday 26 February 2005 and in the Albany Advertiser on 24 February 2005 with a copy in the Albany Extra on Friday 25 February 2005 for the Purchase and Removal of Scrap Metal to 30 June 2006.
3. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

WORKS & SERVICES REPORTS

Item 13.3.1 continued

Criteria	Weight
Cost	60
Relevant Skills & Experience	10
Safety Management	10
Reliability of Tenderer	20
Total	100

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. To date, approximately 727 tonnes of scrap metal has been collected and sold.

STRATEGIC IMPLICATIONS

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

“Community Vision

A Thriving City: Albany's community will enjoy economic growth and outstanding opportunities for our youth through dynamic promotion and marketing of Albany's advantages and opportunities.

Mission Statement

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

Priority Projects

Nil

COMMENT/DISCUSSION

10. A total of four specifications were issued, with two being received at the close of tender.
11. The following table outlines tenderers and their final scores

Tenderer	Score (out of 100)
Sims Metal	63.4
Aussie Scrap Metal	71

WORKS & SERVICES REPORTS

Item 13.3.1 continued

12. Sims Metal is currently Council’s contractor, submitted a price of \$121.00 per tonne (GST inclusive) for goods purchased, has a proven track record in performance, entered a detailed submission and has a good record for payment of goods purchased.
13. Aussie Scrap Metal, submitted a price of \$150.00 per tonne (GST inclusive) for goods purchased and entered an adequate submission. Reference checks advised that this Company performed well on site.

RECOMMENDATION

THAT Council accept the tender from Aussie Scrap Metal for C04040, for the Purchase and Removal of Scrap Metal to 30 June 2006 for a total price of \$150.00 per tonne (including GST).

Voting Requirement Simple Majority

.....

WORKS & SERVICES REPORTS**13.3.2 Contract C05001 – Hire of Loader**

File/Ward	:	C05001 (All Wards)
Proposal/Issue	:	Hire of Machinery (Loader)
Subject Land/Locality	:	Hanrahan Road Waste Site
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Services (S Massimini)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Council award Contract C05001 to AD Contractors
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. In June 2004, Council called for tenders for dry hire of a loader for use at the Hanrahan Road Waste Site to augment Councils existing Plant & Machinery fleet. This Contract is due to expire in June 2005 and therefore tenders were called for the renewal or replacement of the existing contract.
2. A request for tenders was published in the West Australian on Saturday 26 February and in the Albany Advertiser on 24 February 2005 with a copy in the Albany Extra on 25 February 2005.
3. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tenderer. The criteria used for this is documented below.

Criteria	% Weight
Cost	70
Reliability of Tenderer	30
Total	100

STATUTORY REQUIREMENTS

4. Regulation 11 of the Local Government (Functions & General) Regulations 1996 state that tenders must be called if the consideration under the contract is or is expected to be more than \$50,000.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

5. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council, it may also decline and not accept any tender.
6. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Costs involved with the dry hire of this equipment will be required to be included in the 2005/06 financial years budget.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

Mission Statement

The City of Albany is committed to delivering excellent community services

Priority Projects

Nil”

COMMENT/DISCUSSION

10. A total of 12 specifications were issued with 4 being received at the close of tenders. Tenderers were requested to supply a monthly dry hire fee. (Dry Hire being the hire of equipment without the driver – existing Council staff to drive the equipment)
11. The following table outlines tenderers their submitted prices and their final scores, the highest score being the most favourable to Council:

Tenderer	Monthly Hire Charge	Score (out of 100)
AD Contractors	\$3,180.00	73
Landchoice Developments	\$8,850.00	49
Minepower	\$13,750.00	32
National Hire – The CAT Rental Store	\$15,898.13	29

WORKS & SERVICES REPORTS

Item 13.3.2 continued

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

RECOMMENDATION

THAT Council accept the tender from AD Contractors for the Dry Hire of Loader until the 30 June 2006, at the rate of \$3,180.00 per month.

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

13.3.3 Brunswick Road Budget Allocation

File/Ward	:	FIN 063)Yakamia, Breaksea & Frederickstown Wards)
Proposal/Issue	:	Relocation of Funds
Subject Land/Locality	:	Brunswick Road
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/07/04 – Item 12.1.3
Summary Recommendation	:	Council to approve reallocations of pathways funding
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. At the Ordinary Council meeting held 20 July 2004, Council adopted the 2004-2005 budget.
2. Included in this budget there was an allocation of \$155,000 to job number 7912, Brunswick Road - Middleton Path to Stirling Street.
3. Due to recent difficulties of the design for the Brunswick Road pathway the construction of this work will not be carried out until 2005-2006.

STATUTORY REQUIREMENTS

4. Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. There are no financial implications on the 2004-2005 budget.

WORKS & SERVICES REPORTS

Item 13.3.3 continued

STRATEGIC IMPLICATIONS

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

“Community Vision

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

“Mission Statement

Sustainably managing Albany’s assets

Priority Projects

Nil.”

COMMENT/DISCUSSION

8. A review of the Masterplan has identified two pathways that can be brought forward from the 2005-2006 budget. Both of these pathways have been identified as a priority due to the increase of pedestrian traffic that will use these routes.
9. It is proposed that the 2004-2005 funds budgeted for the Brunswick Road job be reallocated as follows:
- North Road – Bethel Street to the City of Albany’s Administration Centre totalling \$27,0000.
 - Humphreys Street – Mt. Lockyer School to Clifton Street totalling \$23,000
 - Transfer to reserves for Brunswick Road 2005-2006 totalling \$105,000.

RECOMMENDATION

THAT Council approve the transfer of funds from Job 7912 Brunswick Road as follows:

- i) North Road – Bethel Street to the City of Albany’s Administration Centre totalling \$27,0000;**
- ii) Humphreys Street – Mt. Lockyer School to Clifton Street totalling \$23,000; and**
- iii) transfer to reserves for Brunswick Road 2005-2006 totalling \$105,000.**

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

13.3.4 Service and Tourist Signage Policy

File/Ward	: MAN 179 (All Wards)
Proposal/Issue	: Council to endorse the draft Service and Tourist Signage Policy
Subject Land/Locality	: Nil
Proponent	: City of Albany
Owner	: Nil
Reporting Officer(s)	: Executive Director Works & Services (L Hewer)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Council to endorse Service and Tourist Signage Policy and Moratorium on existing non-conforming signs for 12 months
Bulletin Attachment	: Draft Service and Tourist Signage Policy Draft Service and Tourist Signage Guidelines
Locality Plan	: Nil

BACKGROUND

1. In the past Council has approved the erection of 'directional signs' for the advertising of commercial and non-commercial organisations without clear policy or guidelines to determine validity of the request.
2. Congestion of road signs at intersections are a cause of safety concerns as motorists need to slow down in order to be able to read the signs.
3. Many signs do not conform to Australian Standards.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.3.4 continued

“Community Vision

A thriving City: Excellent community infrastructure and services

Mission Statement

Sustainably managing Albany’s municipal assets and delivering excellent community services.

Priority Projects

Nil.”

COMMENT/DISCUSSION

8. The purpose of this policy is to detail the principles and conditions governing the approval of requests for service and tourist signage. A copy of the Draft Policy and Guidelines are included within the Elected Members Report & Information Bulletin.
9. This policy will ensure that Council has the control to provide the travelling public with clear uniform roadside information while minimising the number of signs and avoiding direct advertising.

RECOMMENDATION

THAT Council;

- i) endorses the new Service and Tourist Signage Policy; and**
- ii) hold a moratorium on existing non-conforming signs for 12 months to comply with the new Service and Tourist Signage Policy.**

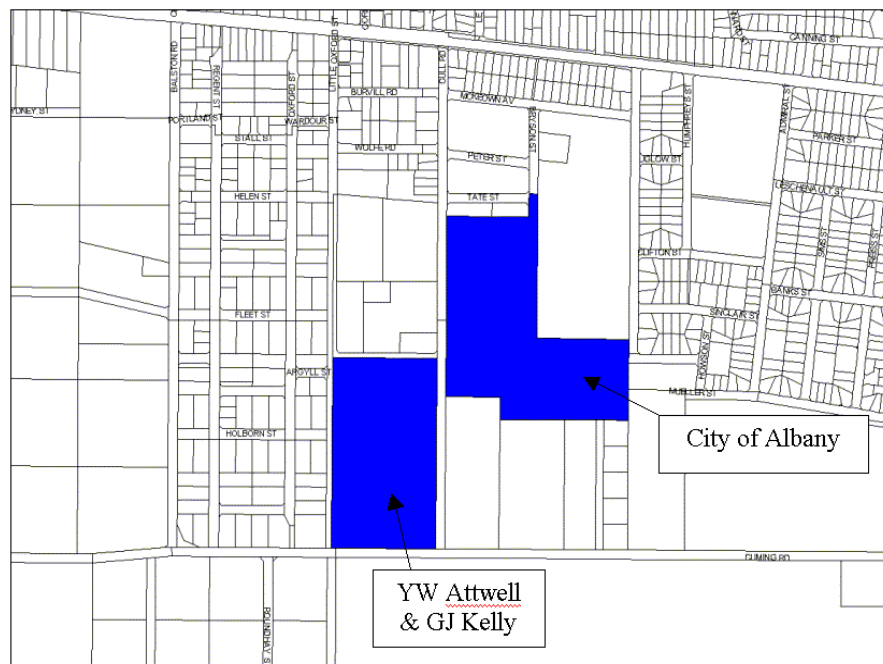
Voting Requirement Absolute Majority

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WORKS & SERVICES REPORTS

13.3.5 Contribution to Road Work – Mueller Road/Cull Road, Lockyer

File/Ward	:	A25810 (West and Vancouver Wards)
Proposal/Issue	:	Provide Contribution to Future Road Construction
Subject Land/Locality	:	Lot 247 Cull Road, Lockyer
Proponent	:	YW Attwell and JG Kelly
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support Request from Developers
Bulletin Attachment	:	Nil
Locality Plan	:	



BACKGROUND

1. Ms. Attwell and Mr. Kelly (the proponents) own Lot 260 Cull Road at Lockyer and will be seeking to progress an application to subdivide that land in the near future. The land is zoned Residential Development in the City of Albany’s Town Planning Scheme No. 3 and will be capable of being connected to the reticulated sewer mains once the backlog sewer program for Little Grove has commenced.

WORKS & SERVICES REPORTS

Item 13.3.5 continued

2. The proponents initially approached staff with a proposal to connect their future subdivision to the local road network via Cumming Road. The capacity of that road to provide long-term primary road access to a substantial residential cell to the west was questioned (the closure of this road was raised at the January meeting) and the concept of Mueller Road being extended through to Cull Road explored. The majority of the intervening land (Pat Location 274) is owned by the City and has been identified as being capable of further subdivision and potential disposal.
3. The proponents have offered to pre-fund the construction of the Mueller Road extension and their proposal is attached for Council's consideration.

STATUTORY REQUIREMENTS

4. To extend Mueller Road, a road reservation needs to be excised from Pt Loc 274 and from a second land parcel, owned by a third party. That process is not difficult to undertake or time consuming provided the third party is agreeable to having the road extended along their property boundary; an approach will be made to them prior to the meeting.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Under the City's Roads Master Plan, funding was to be provided in the short term to reconstruct portion of Cumming Road to accommodate the vehicular traffic using that road: the long term stability of that road is problematic with the depth of peat that exists below the road reserve.
7. By progressing the proponent's offer, and transferring all of the Cumming Road traffic onto Mueller Road, a more stable road system, with short and long term cost benefits will accrue to the City. The \$100,000 mentioned should allow a rural standard bitumen road to be constructed within the road reserve (without kerbing or road side drainage) which is readily capable of being upgraded to an urban road in the future; a minor contribution may be required from Council to resolve local road connections and land related issues.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

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

WORKS & SERVICES REPORTS

Item 13.3.5 continued

Mission Statement

The City of Albany is committed to:

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

Priority Projects

Nil.”

COMMENT/DISCUSSION

9. Attached to this item is a concept plan indicating that Council’s land (Pt Loc 274) is capable of being subdivided into approximately 80 residential allotments. The road reserve which forms the extension of Mueller Road is positioned within the concept plan to maximise the subdivision potential of the land. The construction of that road in the short term is likely to reduce illegal dumping on the land and improve marketing of future residential lots created from the land.
10. The development of Lot 260 Cull Road will extend sewer mains into the locality and reduce the future development costs for Pt Loc 274. The proponent’s request to have the initial road funding contribution reimbursed upon the development of Council’s land therefore does not appear to be unreasonable. The improvement of road exposure to both land parcels has economic advantages to the proponent and Council and has the potential to create another urban development front for consumers, in close proximity to the City centre.
11. Staff will provide an independent report to Council on the negotiations with the third party on the provision of land for a future road reserve. Further negotiation would also need to be required on the method of securing potential agreements.

RECOMMENDATION

THAT Council, subject to all the land required for the extension of Mueller Road being negotiated, delegate to the Chief Executive Officer the capacity to finalise an agreement with YW Attwell and GJ Kelly to secure an advance payment to extend Mueller Road through Part Location 274 Cull Road, Lockyer.

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

Item 13.3.5 continued

JG (Gerry) Kelly ABN 52 953 010 694
Y (Yvonne) W Attwell ABN 72 499 874 293
PO Box 1335
ALBANY WA 6331

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15 March 2005

Executive Director Development Services,
 City of Albany,
 PO Box 484,
 Albany WA 6330

Attention: Robert Fenn.

CITY OF ALBANY RECORDS	
FILE:	A 25810
FILE:	
15 MAR 2005	
NO:	ICRS03205
SERVICE:	EDDS MCLW
ATTACH:	

Dear Robert,

RE: Development Lot 260 Cull Road, Albany.

Further to our meeting at council office on Friday 11 March 2005, with yourself and Mr. G Bride, we would like to formalize our discussion with this letter.

As developers of Lot 260 Cull Road, it is our intention to build a sewer pump station at the southern end of our land. This will also service council property further north on Cull Road. In discussions at a previous meeting (21.01.05) with yourself and Mr Les Hewer, the suggestion was put forward of the possibility of extension of Mueller Street to service Cull Road and effectively make Cummins Road obsolete in time. This would give our subdivision an access to Hansahan Road and therefore to the CBD. We would offer an amount of \$100,000.00 to facilitate this. However we believe because of Councils' benefit in servicing their land with a sewer service and this roadway, we consider it would be fair and reasonable that when council decide to sell or develop this land they should return the said \$100,000.00.

We would hope this proposal meets with your approval and should that be so would congratulate you on approving what can only be described as a win, win situation.

We look forward to hearing from you in due course.

Yours faithfully,
 Y (Yvonne) W Attwell & J (Gerry) G Kelly.



ORDINARY COUNCIL MEETING AGENDA –19/04/05
** REFER DISCLAIMER **
WORKS & SERVICES REPORTS

Item 13.3.5 continued



13.4 AIRPORT MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.5 RESERVES PLANNING & MANAGEMENT

13.5.1 Environmental Weeds Strategy for City of Albany Reserves

File/Ward	: MAN 108 (All Wards)
Proposal/Issue	: Draft revised “Environmental Weeds Strategy for City of Albany Reserves” for public comment.
Subject Land/Locality	: All land vested with and owned by the City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Bushcare Coordinator (S Maciejewski)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council allows the revised Environmental Weeds Strategy for City of Albany Reserves (Draft) to be advertised for public comment for a two-week period.
Bulletin Attachment	: Draft Environmental Weeds Strategy for City of Albany Reserves.
Locality Plan	: Nil

BACKGROUND

1. Council adopted the first version of this Strategy in August 2001. A review of the Strategy has been undertaken due to the City now having more resources to implement the Strategy, and due to knowledge gained by staff on environmental weed control over the past four years.
2. The Strategy “provides the City of Albany with a framework to control environmental weeds in areas for which Council is responsible”.

STATUTORY REQUIREMENTS

3. Under Section 3.18 of the Local Government Act 1995 it states that a local government is to satisfy itself that services and facilities that it provides are managed efficiently and effectively.

POLICY IMPLICATIONS

4. Review of an existing City of Albany’s strategy.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

FINANCIAL IMPLICATIONS

5. The predicted budget for the implementation of this Strategy over the next five years is indicated below.

Year	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
Total	\$148,038*	\$154,702	\$160,298	\$195,997	\$197,175	\$202,421

* This amount has already been allocated by Council for 2004/05.

6. The most significance change over this five-year period is the increase in Bushcare Assistant time, from 48 hours a fortnight (i.e. 3 days a week) to 76 hours a fortnight (i.e. five days a week) in 2007/08. This increase in time is due to the Bushcare Assistants taking on the additional role of controlling woody weeds along rural roadsides.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

Mission Statement

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

Priority Projects

Review Bushcare Strategy”

COMMENT/DISCUSSION

8. Permission is sought to release this draft Strategy for a two-week period to gain comments from the public. Comments received will be considered for incorporation into the Strategy.
9. The main difference between this revised Strategy and the original Strategy is that this second version provides more direction for City staff in controlling environmental weeds on land vested with or owned by the City of Albany. It is possible to provide more direction in this second version of the Strategy as the City now has staff dedicated to implementing the Strategy. The Strategy also clearly indicates the level of support the community can expect to receive from the City in undertaking volunteer weed control activities on City land.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

RECOMMENDATION

THAT Council allow the revised Environmental Weeds Strategy for City of Albany's Reserves (Draft) to be advertised for public comment for a two-week period.

Voting Requirement Absolute Majority

.....

WORKS & SERVICES REPORTS

13.6 WORKS & SERVICES COMMITTEES

13.6.1 Streetscape Committee meeting minutes – 11th February 2005

File/Ward	:	MAN 161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Manager Asset Services (G Edwards)
Summary Recommendation	:	That the Minutes of the Streetscape Committee held on 11 February 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Streetscape Committee held on 11 February 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

WORKS & SERVICES REPORTS

13.6.2 Streetscape Committee meeting minutes – 28th February 2005

- File/Ward** : MAN 161 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Asset Services (G Edwards)
- Summary Recommendation** : That the Minutes of the Streetscape Committee held on 28 February 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Streetscape Committee held on 28 February 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

- AMENDED RECOMMENDATION -

11.1.3 Development Application – Day Care Centre - 78 Minor Road, Orana

RECOMMENDATION

That Council resolves to grant Planning Scheme Consent for a “day care centre” to accommodate a maximum of 50 children at 78 Minor Road, Orana subject to but not limited to the following conditions:

- i) the walls and roof area for the new building being suitably insulated to reduce noise;
- ii) a 1.8m high solid metal boundary fencing being constructed around the area where children will play;
- iii) a schedule of finishes for the building being provided to the satisfaction of staff; and
- iv) signage being provided on site to display points of ‘Entry’ and ‘Exit’ to the car park;

Voting Requirement Simple Majority

.....
THAT Council delegate to the Manager Planning and Ranger Services authority to issue a Conditional Planning Scheme Consent approval for the development of a “day care centre” at 78.Minor Road, Orana.

Voting Requirement Absolute Majority

AMENDED RECOMMENDATION

THAT Council resolves to grant Planning Scheme Consent for a “day care centre” to accommodate a maximum of 50 children at 78 Minor Road, Orana subject to but not limited to the following conditions:

- i) the walls and roof area for the new building being suitably insulated to reduce noise;**
- ii) a 1.8m high solid metal boundary fencing being constructed around the area where children will play;**
- iii) a schedule of finishes for the building being provided to the satisfaction of staff;**
- iv) signage being provided on site to display points of ‘Entry’ and ‘Exit’ to the car park; and**
- v) the proposal does not require on-street/verge parking for users of the site.**

Voting Requirement Simple Majority

.....
THAT Council delegate to the Manager Planning and Ranger Services authority to issue a Conditional Planning Scheme Consent approval for the development of a “day care centre” at 78 Minor Road, Orana.

Voting Requirement Absolute Majority

.....

- Alternate Motion by Councillor Waterman -

11.1.4 Development Application – Grouped Dwelling – 1 – 3 John Street, Mt Clarence

MOTION:

THAT Council resolves to issue a Notice of Planning Scheme Consent for the development of a Grouped Dwelling at Lot 9, 1-3 John Street, subject to, but not limited to, the following conditions:

- i) all Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council; and**
- ii) all landscaping to be in accordance with the approved plans, being implemented prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council.**

Voting Requirement Simple Majority

.....

Reason:

- The development has catered for sufficient car parking on site in accordance with the parking requirements of the Residential Design Codes 2002. As on-street parking will not be promoted under the proposal, and the additional dwelling will only contribute around 8 vehicle trips per day along John Street, the development is not likely to exacerbate the existing traffic situation.

- Alternate Motion by Councillor Waterman -

11.1.7 Car Parking Requirements – Office Development - Lot 1, Lot 2 & Pt Lot 36 Stirling Terrace, Albany

MOTION:

THAT Council lay this item on the table.

Reason:

- To allow Council time to further workshop car parking issues within the CBD and allow Council to develop an informed position on cash in lieu, car parking requirements and the use of the car parking reserve funds.

- Alternate Motion by Councillor Evans -

11.1.8 Local Planning Strategy – Draft Retail Development Strategy

MOTION:

THAT Council;

- i) instruct the consultant to undertake the following modifications:**
 - a) reference to the timing of further development of Brooks Gardens Centre be modified to allow Council to consider such development after two years; and**
 - b) that text in the report reflecting the consultants opinion on specific development be removed in so far as they are not considered appropriate in the strategy; and**
- ii) upon the above modifications being made the matter be advertised for a period of two (2) months for public comment and forwarded to the Department for Planning and Infrastructure for preliminary comment.**

Reason:

- Given the importance of this document to the planning of this region, it is particularly important that all Councillors understand the implications of the report prior to giving any support to even advertising the document.**

- Alternate Motion by Councillor Evans -

11.1.8 Local Planning Strategy – Draft Retail Development Strategy

MOTION:

THAT Council;

- i) instruct the consultant to undertake the following modifications to the draft Retail Development Strategy:**
 - a) reference to the timing of further development of Brooks Gardens Centre be modified to allow Council to consider such development within the life of this Strategy.**
 - b) that text in the report reflecting the consultants opinion on specific developments be removed from the strategy, inclusive of the following:**
 - References to marketing of the Orana Drive-in-site (pg 51)**
 - References to seven-day trading at Farm Fresh (pgs 27, 28 and 64), given there is referendum on the issue to be voted on by the Albany community.**
 - References to ad-hoc development at Farm Fresh, despite compliance with the Catalina Central Planning Framework (pg 28).**
 - References to floor space being well presented and likely to be quickly leased at the Albany Primary School Site (pg 50).**
- ii) adopt for public comment the draft Retail Development Strategy from Shrapnel Urban Planning subject to the above modifications being made to the document.**
- iii) forward the draft strategy to the Department for Planning and Infrastructure for comment, prior to advertising commencing;**
- iv) upon receipt of comments from the Department for Planning and Infrastructure undertake a two month advertising period for public consultation on the draft strategy; and**
- v) consider any submissions received following completion of the advertising period.**

Reason:

- Given the importance of this document to the planning of this region, it is particularly important that all Councillors understand the implications of the report prior to giving any support to even advertising the document.**

- AMENDED RECOMMENDATION -

11.1.9 Local Planning Policy – Request to adopt draft Defining Central Albany Strategy

RECOMMENDATION

THAT Council;

- i) receive the draft Defining Central Albany Report (November 2004) from Taylor Burrell Barnett;
- ii) note the officer comments and recommendations on the draft Defining Central Albany Report;
- iii) accept the following recommendations on the priority for points of conflict between the draft Defining Central Albany and Retail Development Strategies:
 - a) within Precinct 4D of the Defining Central Albany Report:
 - i. the area nominated for service commercial adjacent to Lockyer Avenue be made available for mixed business uses in accordance with the Retail Development Strategies recommendation;
 - ii. the area nominated for residential use bordered by Middleton Road/Douglas Street/Stead Road/Young Street in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategies recommendation; and
 - iii. the urban design outcomes from the Defining Central Albany Report be retained and incorporated into development guidelines for the precinct.
 - b) within the affected parts of Precincts 1C, 2A, 4A and 4C of the Defining Central Albany Report:
 - i. the recommendation regarding places nominated for local heritage and character precincts in the Defining Central Albany Report shall take priority over any other recommendation from the Retail Development Strategies;
 - ii. the areas outside of a) above, nominated for residential use along Albany Highway in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategies recommendation;
 - iii. that Council commit to the moratorium and monitoring/evaluation process recommended in the Retail Development Strategies before allowing new developments (other than the proposed Action Supermarket and Albany Primary School redevelopment proposals and other existing approvals); and
 - iv. the urban design from the Defining Central Albany Report be retained and incorporated into development guidelines for the precincts.
 - c) the Defining Central Albany recommendations for parking be prioritised over the Retail Development Strategy recommendation and they be incorporated within the new community planning scheme.
- iv) undertake a 21-day advertising period for public consultation on the draft report; and
- v) consider any submissions received following completion of the advertising period.

Voting Requirement Simple Majority

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Item 11.1.9 continued

AMENDED RECOMMENDATION

THAT Council;

- i) receive the draft Defining Central Albany Report (November 2004) from Taylor Burrell Barnett;**
- ii) note the officer comments and recommendations on the draft Defining Central Albany Report;**
- iii) accept the following recommendations on the priority for points of conflict between the draft Defining Central Albany and Retail Development Strategies:**
 - a) within Precinct 4D of the Defining Central Albany Report:**
 - i. the area nominated for service commercial adjacent to Lockyer Avenue be made available for mixed business uses in accordance with the Retail Development Strategies recommendation;**
 - ii. the area nominated for residential use bordered by Middleton Road/Douglas Street/Stead Road/Young Street in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategies recommendation; and**
 - iii. the urban design outcomes from the Defining Central Albany Report be retained and incorporated into development guidelines for the precinct.**
 - b) within the affected parts of Precincts 1C, 2A, 4A and 4C of the Defining Central Albany Report:**
 - i. the recommendation regarding places nominated for local heritage and character precincts in the Defining Central Albany Report shall take priority over any other recommendation from the Retail Development Strategies;**
 - ii. the areas outside of a) above, nominated for residential use along Albany Highway in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategies recommendation;**
 - iii. that Council commit to the moratorium and monitoring/evaluation process recommended in the Retail Development Strategies before allowing new developments (other than the proposed Action Supermarket and Albany Primary School redevelopment proposals and other existing approvals); and**
 - iv. the urban design from the Defining Central Albany Report be retained and incorporated into development guidelines for the precincts.**
 - c) the Defining Central Albany recommendations for parking be prioritised over the Retail Development Strategy recommendation and they be incorporated within the new community planning scheme.**
- iv) Adopt the draft policy titled ‘Defining Central Albany’ for public comment pursuant to Clause 7.21 of Town Planning Scheme No. 1A.**
- v) consider any submissions received following completion of the advertising period.**

Voting Requirement Simple Majority

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- Alternate Motion by Councillor Paver -

11.2.1 Local Law – Consider The Introduction Of A Local Law - Relating To The Control, Keeping And Welfare Of Cats

MOTION:

That Council lay this matter on the table for a period of six months.

Reason:

- To provide interested members of the community an opportunity to examine and respond to the report presented to Council at the Concept Briefing Session in March 2005.

- AMENDED RECOMMENDATION -

11.3.1 Scheme Policy – Request to Advertise Policy – “Woodrise Estate”, Spencer Park

RECOMMENDATION

THAT:

- i) Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to advertise the draft policy titled ‘Woodrise Estate Guidelines’; and
- ii) subject to a statement of undertaking being received by the developer that restrictive covenants will be applied to Lots 630 - 634 and 655 – 662, Council advises the Western Australian Planning Commission that Condition 15 of WAPC Reference 126168 is no longer required.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT;

- i) Council adopt the draft policy titled ‘Woodrise Estate Guidelines’ for public comment pursuant to Clause 7.21 of Town Planning Scheme No. 1A; and**
- ii) subject to a statement of undertaking being received by the developer that restrictive covenants will be applied to Lots 630 – 634 and 655 – 662, Council advises the Western Australian Planning Commission that Condition 15 of WAPC Reference 126168 is no longer required.**

Voting Requirement Simple Majority

.....

- AMENDED RECOMMENDATION -

12.7.4 Town Hall Theatre Advisory Committee meeting minutes – 6th April 2005

RECOMMENDATION

THAT the minutes of Town Hall Theatre Advisory Committee held on 6th April 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and in relation to item 6.5.1 (Exhibition Space Rentals), the Committee recommendations be circulated to local exhibitors and the Albany Arts Community for comment prior to final determination by Council.

AMENDED RECOMMENDATION

THAT the minutes of Town Hall Theatre Advisory Committee held on 6th April 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and in relation to item 6.5.1 (Exhibition Space Rentals), the Committee recommendations be circulated to local exhibitors, the Albany Chamber of Commerce & Industry and the Albany Arts Community for comment prior to final determination by Council.

Voting Requirement Simple Majority

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- Alternate Motion by Councillor Paver -

14.4.1 Albany Tourism Marketing Committee Meeting Minutes – 23rd March 2005

MOTION:

THAT Council;

- i) receive the minutes of the Albany Tourism Advisory Committee held on 23 March 2005; and**
- ii) defer the decision on the appointment of a tourism development officer until such time as the committee established under agenda item 14.3.2 has reached its conclusions on the future strategic direction of the Albany Visitors Centre.**

Reason:

- The outcomes of discussions with the Albany Visitors Centre and the resolution of how Visitor Servicing will be delivered in the future will have significant bearing on the duties of this proposed position. Any decision to appoint a Tourism related officer should therefore be deferred pending adoption of the outcomes of these deliberations.

18. Late Item by Resolution of Council

18.1 Review of Decision – Multiple Dwellings – Lots 9 & 12 Earl Street, Albany

File/Ward	:	A140658 (Frederickstown Ward)
Proposal/Issue	:	Review of Decision on Multiple Storey Dwelling Units
Subject Land/Locality	:	Lots 9 & 12 Earl Street, Albany
Proponent	:	Greg Rowe and Associates
Owner	:	Ridgecity Holdings Pty Ltd
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/07/2005 – Item 11.1.4 OCM 20/09/2005 – Item 11.1.1 SCM 31/01/2006 – Item 11.1.1
Summary Recommendation	:	Council Consider Recision Motion
Bulletin Attachment	:	Nil
Locality Plan	:	



Item 18.1 continued

BACKGROUND

1. On the 6 April 2006, Councillors Williams, Emery, Wiseman, Wolfe and Jamieson requested that this matter be reconsidered as an urgent item at the discretion of the Mayor or the majority of Councillors, as part of the April Ordinary Council Meeting.
2. The proponent has requested that Council reconsider its decision not to proceed with the mediation process using the amended plans submitted by the applicant in December 2005. Council's resolution at it's Special Meeting dated 31 January 2006 is as follows:

"THAT Council reject the alternative plans submitted by the proponents of the Earl Street development and refer the matter back to the State Administrative Tribunal for a decision."
3. The proponent has made further minor amendments to the plans that were initially supported by Council at it's meeting dated 17 January 2006, but subsequently rejected at the special meeting of Council dated 31 January 2006. The latest plans do not modify the height of the building, the setback of the building from boundaries or the number of units (39) involved.
4. The proposed changes relate to the following:
 - The inclusion of a swimming pool in community open space area;
 - The modification of private balconies on the ground floor to accommodate access way on western side;
 - The lift towers have a frosted glass façade on the front elevation;
 - An additional lift being placed in the south-eastern section of the building;
 - The roofline above the lift towers is proposed to be flat, rather than gabled;
 - The units at the rear of the building complex are to be redesigned to cater for disabled access;
 - The modification to unit layouts and an increase in the ratio of 3-bedroom units.
 - The balconies are to be fitted with a glass balustrade, except for balconies associated with Unit Type D, which will have planter boxes and a stainless steel balustrade.
5. The proponent has requested Council reconsider it's opposition to the plans, on the basis that further detail has now been provided on the building's finishes, with the net result being a more sympathetic elevation and colour scheme and improved building appearance. The light colours utilised in the colour elevation (which has been circulated to Councillors) is compatible with colour scheme of surrounding buildings. A copy of the proponent's justification (attachment 1) and the amended plans (attachment 2) are attached to the rear of this report.
6. The State Administrative Tribunal (SAT) is set to hear the case on the 13 June 2006 to the 15 June 2006, however there is no legal impediment to the two parties (the proponent and the approving agent) mediating independently of SAT prior to a hearing. SAT would need to endorse any mediation agreement undertaken by the parties (through the issuing of a consent order).

Item 18.1 continued

STATUTORY REQUIREMENTS

7. Regulation 10(1) of the Local Government (Administration) Regulations 1996 states;

“If a decision has been made at a council or a committee meeting then the motion to revoke or change the decision must be supported –

- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
- (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.”*

8. The report of Council meeting of January 2006 forms part of the mediation process and it can be argued that it's contents cannot be entered into evidence due to Section 55 of the SAT Act. The mediation process has now been abandoned and the proponent could argue that this report is not protected by that section of the Act.
9. Councillors solicitors have reviewed this report and believe there are no statements contained within, which would weaken Council's position should the matter go to a hearing.

POLICY IMPLICATIONS

10. Council's Policy entitled 'Albany Design Guidelines (Urban Design and Streetscape Guidelines for Infill Development in Albany)', and the Residential Design Codes (2002) apply to the proposal.

FINANCIAL IMPLICATIONS

11. If Council resolves not to accept the plans, then there will be ongoing costs involved in defending its decision at a full hearing of the SAT. No additional fees are collected for considering the amended proposal.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *providing sound governance*

Priority Projects:

Nil.”

Item 18.1 continued

COMMENT/DISCUSSION

13. The report provided by the proponent does not provide a detailed analysis of the Scheme and policy framework surrounding this Plan; instead it concentrates on the changes that have been made and whether there is similar or greater compliance with the Residential Design Codes and the Town Planning Scheme than in the past (September 2005 and January 2006). Councillors can review that policy framework by referring to the minutes of the Council Meeting of the 20 September 2005 at item 11.1.1 (attachment 3), and the planning report prepared for the 17 January 2006 Council Meeting (attachment 4).

14. Staff have reviewed the proposed changes and provide the following comments:

General

15. As there are no changes to the number of units or the total floor area of the building, car parking and plot ratio requirements under the Residential Design Codes have not been affected under this proposal.

Balconies

16. The proponent has proposed to replace the private balconies on the ground floor (primarily on western side) with a pedestrian access way to the rear of the building. As the ground floor units will retain balconies to the north and south, all units comply with the balcony requirements of the Residential Design Codes.

Roof Pitch & Lifts

17. The new plans seek to modify the roof line on the two lift towers, replacing them with a flat roof instead of a gabled roof. Staff has no objection to this design change. The previous pitched rooves on the vertical lift tower elements did not achieve any streetscape improvements or significantly improve the built form when viewed from above.

Unit Types and Ratios

18. The plan seeks to change the ratio of three-bedroom units in the following manner:

Plans considered 17 January 2006	Plans lodged 6 April 2006
8 two-bedroom apartments	5 two-bedroom apartments
29 three-bedroom apartments	32 three-bedroom apartments
2 pent-house apartments	2 pent-house apartments
39 Apartments Overall	39 Apartments Overall

19. As there are no fundamental changes brought about by the new plans, the planning analysis provided in the report to Council on 17 January 2006 remains valid. Whilst the colours and finishes applied to the building represent an improvement to it's visual appearance, the concerns expressed earlier relating to bulk and scale of the development and its compliance with the R Codes and the Albany Design Guidelines (Urban Design and Streetscapes Guidelines for infill development in Albany) still remain.

Item 18.1 continued

20. Council is reminded that it is not being asked to issue a Planning Scheme Consent or a Notice of Planning Scheme Consent Refusal. Also, this matter is being considered outside the SAT mediation process. It is essentially an informal mediation, the outcomes of which would be subject to the determination of the SAT.
21. If the rescission motion and the request (to move forward with the latest plan and information) is supported, Council would need to give staff a direction to approach the SAT to dispense with the formal hearing and support a consent order agreed between the parties using the modified application information. Based upon the advice of Council's solicitors, Staff will negotiate conditions with the proponents and present the consent orders to the SAT, seeking that the SAT uphold the appeal using an amended plan, and allowing the project to proceed. From previous experience, where the parties have approached the SAT with mutual support for a consent order that order is generally endorsed by the SAT, with appropriate amendments, if necessary, provided the consent orders can be made in accordance with section 56(2) of the SAT Act.
22. If Council decides to rescind its previous motion and then, following normal debate, decides again that it is not prepared to entertain the amended plans, then the matter will continue to be heard at the formal hearing of SAT scheduled for June.
23. Council must determine the late item request and rescission motion before further debate can commence on an alternative motion. Staff believe that the amended plan does not address the concerns previous raised in the officer's report dated 17 January 2006, and SAT is best placed to determine the planning merits of the proposal.

RECOMMENDATION

CONSIDERATION OF LATE ITEM

THAT Council consider the request from the proponent to consider this item as a 'late item' at the Ordinary Council Meeting dated 18 April 2006.

Voting Requirement Simple Majority
.....

CONSIDERATION OF RECISSION MOTION

Supported by Councillors Williams, Emery, Wiseman, Wolfe and Jamieson, THAT Council rescind the decision taken at the Special Council Meeting on the 31 January 2006, at item 11.1.1 which reads:

“THAT Council reject the alternative plans submitted by the proponents of the Earl Street development and refer the matter back to the State Administrative Tribunal for a decision.”

Voting Requirement Absolute Majority
.....

Item 18.1 continued

NOTICE OF MOTION BY COUNCILLOR WILLIAMS

THAT Council revert to it's resolution made at the Ordinary Council Meeting of 17 January 2006 which reads "THAT Council agree to participate in a reconvened State Administrative Tribunal conference with the intention of resolving appropriate conditions for the amended proposal at Lots 9 and 12 Earl Street, Albany", and advise the Tribunal that it now supports the amended plans submitted on 6 April 2006 and seeks that the Tribunal agree to endorse a minute of consent order accordingly, conditionally that no order of costs be sought from either party.

Voting Requirement Simple Majority
.....

RECOMMENDATION

THAT Council advise the proponent that the amended plan and details for Lots 9 and 12 Earl Street, Albany is not supported for the reasons mentioned below, and that Council will be seeking to have the matter heard at the formal hearing of the State Administrative Tribunal already scheduled.

- i) the proposed development does not comply with the Acceptable Development requirements, or the associated Performance Criteria, of Elements 2 and 7 of the Residential Design Codes of Western Australia;**
- ii) the form, scale and mass of the proposed development does not comply with the objectives of the 'Urban Design and Streetscapes Guidelines for Infill Development in Albany';**
- iii) the proposed development does not comply with the principles of proper and orderly planning; and**
- iv) the development is not compatible with its setting or the preservation of the amenity of the locality.**

Voting Requirement Simple Majority
.....