

# **MINUTES**

# ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 19<sup>th</sup> June 2007
7.00pm
City of Albany Council Chambers

**City of Albany** 

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| Signed _ |                | Date: 21st June 2007 |
|----------|----------------|----------------------|
|          | Andrew Hammond |                      |

Chief Executive Officer

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## 1.0 DECLARATION OF OPENING

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

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

Mayor - A Goode, JP Councillors - DW Wellington

DW Weilingtol
 MJ Evans, JP
 P Lionetti
 DJ Wolfe
 RH Emery
 J Waterman

J Waterman
S Marshall
J Walker
D Wiseman
R Paver
J Jamieson

- I West

Chief Executive Officer - AC Hammond

Executive Director Corporate &

Community Services - WP Madigan
Executive Director Works & Services - L Hewer
Manager Rangers and Planning Services G Bride
Minute Secretary - JR Byrne

Approximately 30 members of the public

2 media representatives

## Apologies / Leave of Absence:

Councillor M Bojcun Councillor J Williams

## 3.0 OPENING PRAYER

Mayor Goode asked all present to be upstanding and read aloud the opening prayer:

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

## 4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

Councillor Lionetti arrived at the meeting at 7.01pm prior to public question time.

## 5.0 PUBLIC QUESTION TIME

## \*Ms D Price

Ms Price addressed the Council in relation to Item 11.3.2 Policy Amendments – Central Albany Urban Design Policy as follows:

### Item 5.0 continued

Madam Mayor and Councillors, I refer to the report relating to this item. At point 4 the statement is made that Council is considering to offer for sale a Collie Street site for private development. I was unaware of this intention and searched previous minutes of the Council for any notification of this intent. I found in the minutes of the Special Meeting of Council of 30/08/05, the following motion:

"That pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepares a business plan that provides for the sub-division and sale of land situated within the York Street civic precinct." The motion was moved by Cr Wellington, seconded by Cr Wiseman and carried 13-0.

Then in the November 2006 OCM, the motion cited at Point 3 for Item 11.3.2 was moved by Cr Williams, seconded by Cr Wellington and carried 13-0. Further, the November 2006 motion, cited in tonight's report, lists eight components of a Masterplan to be developed for the area. I think this is an excellent strategy and one which I believe would generate a great deal of community interest and support if the eight components were addressed.

Both of these motions signal a clear intent to predicate the sale of any land in this precinct upon the prior development of a Masterplan and business plan for the whole area and both gained unanimous support in the Council. I believe the proposed business plan to be a very sound idea because any such plan will examine the economics of any development of this civic area as a whole.

My concern is that the draft motion for tonight's meeting is not predicated on a Masterplan for this area and so the eight components are not addressed adequately, or at all. Point a) is only partially addressed, Points b) and c) are addressed insofar s they relate to one parcel of land in this precinct, and the remaining points are simply not mentioned in any way.

Further, without the prior development of a business plan, there is no guarantee of funds to develop the area in the near or distant future having regard to these eight considerations. If Council simply sells off a parcel of land in Collie Street and places the money in the main budget, it may be used to fund projects other than this precinct, or to reduce general debt, and thus negate two previously adopted motions of this Council. In my opinion, this will not protect the area from ad hoc development (based on a precedent of selling off land in a piecemeal fashion), will not give consideration to the issues and concerns raised in the recent workshop facilitated by Patric de Villiers, and will not guarantee the funds to develop the area as a whole based on a Masterplan.

I urge Council to defer this motion until a Masterplan and business plan for the precinct are drafted, advertised and developed with public consultation.

## \*Mr G Harvey, CEO Albany Chamber of Commerce and Industry Mr Harvey asked the following two questions:

When can the residents of Albany and visiting tourists expect to be enjoying the benefits of the proposed integrated entertainment centre, marina, hotel and landscaped waterfront facility?

The Mayor answered that construction of the Entertainment Centre was expected to be commenced in May 2008.

### Item 5.0 continued

What are the timelines of the various construction events?

The Chief Executive Officer responded by advising that installation of headworks services was expected to be commenced in November 2007; the entertainment centre was due to be commenced in May 2008 with an 18-month construction timeframe; and the total project was expected to take 3 years to complete.

## \*Mr P Sweeney

Mr Sweeney asked the following two questions:

Does the Council have any reason to not fully support the proposed waterfront development?

The Mayor responded by advising that the Council has previously made a decision to support the waterfront development.

Will the Council continue to ignore the misleading information issued by the Albany Waterfront Action Group (AWAG)?

The Mayor responded by saying that she was unable to answer the question on behalf of all Councillors.

## \*Mr N Smithson

Mr Smithson addressed the Council in relation to the Albany Local Planning Strategy and recognition of the built heritage form in Albany as follows:

Thank you Madam Mayor / Councillors

I could address several of the items on tonight's agenda, but I would suggest that my comments best relate to the City's Draft Local Planning Strategy.

I recently received an email dated 22 May 2007 from Mr Krys Henshaw who is the Executive Officer of the International Cities, Town Centres and Communities Society (ICTC), who are organising the 8<sup>th</sup> International Conference of that association in Auckland, New Zealand from 26-29 June 2007.

Mr Henshaw's email covered an earlier email dated 9 March 2007 from Mr Robert Fenn as Executive Director Development Services for the City of Albany, and I will read:

"I note that your program includes a presentation by Mr Smithson on Wednesday 27 June 2007 in Session 8D.

The City of Albany wishes delegates attending that session to be advised, <u>prior to Mr Smithson undertaking his presentation</u> that "The ideas and views that Mr Smithson expresses in Rainbow 2000 are those of Mr Smithson and **Rainbow 2000** <u>is not</u> a document endorsed by Local or State Government. The City of Albany has developed the **Albany Local Planning Strategy** through the appropriate legislative processes and the City utilises **Albany 3D** as its corporate development and investment strategy."

### Item 5.0 continued

Madam Mayor, I thank Mr Fenn for his interest in the Rainbow 2000 Project, and I have indicated to the ICTC Conference Secretariat that I do not object to that action, although I do not concur with Mr Fenn's assessment of compliance with legislative process. When I present the Rainbow 2000 Project at such events, I do state that this is not a government endorsed process in any way shape or form.

In fact Madam Mayor / Councillors, I will be:

- Participating in the ICTC 2007 Conference's Edge City discussion / debate on the future of Urban, Rural and Remote energy supply
- Chairing Session 2D: Infrastructure Planning & Development
- Chairing Session 3D : Transport & Urban Communities
- Addressing delegates on the Rainbow 2000 Project in Session 8D: Regional Strategic Planning; and
- Enjoying a Study Field Tour of North Shore City and Rodney District (including the Albany New Town Centre).

Madam Mayor / Councillors, I am not aware of anyone from the City of Albany attending the ICTC Conference this year, but I can advise that a similar presentation has now been accepted for the SEGRA – Sustainable Economic Growth in Regional Australia – 2007 Conference, to be held later this year in Wollongong, New South Wales (17-19 September).

Madam Mayor / Councillors – it is the timing of Mr Fenn's email that is of more interest to me, given that Public Submissions to the Draft Local Planning Strategy closed on 15 December 2006, and it is now more than six months for the officers of the Council to consider those submissions (including Smithson Planning's submissions).

In a related matter Madam Mayor, I also have correspondence dated 8 March 2007 from Senator the Hon. Ruth Webber MP (Labor, Western Australia) pertaining to a Question on Notice (3043) given 7 March 2007 in Federal Parliament, and which if I may paraphrase Senator Webber's words as:

With reference to the Government's World Heritage nomination for Convict Colonial Settlements (Senator Ian Campbell – formerly Federal Minister for the Environment & Heritage) announced in January 2007, the question in five parts states:

- 1) Who were the consultants that prepared the nomination for the Commonwealth Government.
- 2) Did the consultants identify the Albany Old Gaol / Amity Heritage Precinct as a possible convict settlement site.
- 3) Given that the above site is the oldest European heritage precinct settlement in Western Australia, clearly established under convict labour, why was this location not included by the Minister in the nomination?
- 4) Given that the Western Australian Government and the City of Albany have already approved icon heritage status to Albany Anzac (with state and federal funding) and the implicit relationship between the Albany Waterfront project and the Residency Museum / Eclipse Museum / Old Gaol Heritage Precinct, was the Western Australian Minister for Housing and Works; Heritage; Indigenous Affairs; Land Information, The Honourable Michelle Roberts MLA and the City of Albany consulted as to the precinct's inclusion for nomination.

### Item 5.0 continued

Is the Minister now prepared to include the *Albany* Heritage Precinct as an addendum to the nomination?

Madam Mayor / Councillors, Senator Webber's question is currently on notice, and it will be up to the Opposition's Manager of Business in the Senate to determine when the question will be put.

Likewise, it will be up to Senator the Hon. Eric Abetz, Minister for Fisheries, Forestry and Conservation, as the Government's Manager of Business in the Senate, to represent the Hon. Malcolm Turnbull MHR, Minister for Environment & Water Resources (Heritage) and respond to that question as appropriate.

Madam Mayor / Councillors, I raise this matter at this time because it would have been no small effort to coordinate the activities of opposing political parties and Federal & State Government agencies to deliver the World Heritage nomination – one could reasonably expect such an initiative to have at least started in the early part of 2006 (if not 2005) in order to progress to announcement in 2007. Most certainly, the State Minister for Heritage, the Hon Michelle Roberts MLA (and the Heritage Council of Western Australia), would have been aware of that process given the State Government's involvement in the Fremantle Prison nomination.

According to the former Senator Ian Campbell's project announcement in January 2007, the Draft Nomination will be presented to UNESCO for consideration in the middle of 2007, with a decision due in 2008. Madam Mayor, I believe the World Heritage nomination is a significant opportunity to promote the City of Albany, and should be brought to consideration as part of the impending 2007 Federal Election for multi-partisan support.

Madam Mayor, it is also an election year for local government, and I am aware that both you and Cr John Jamieson have indicated that you will nominate for Mayor - I am sure that some of the Councillors here tonight will also probably renominate for the City of Albany as ward councillors.

Obviously, Albany's heritage is an important consideration for the City's Draft Local Planning Strategy.

Knowing how Albany loves its heritage, particularly built form European heritage, one might reasonably expect that the Council of the City of Albany will fully embrace and support the State & Federal Government's World Heritage nomination, and encourage the Federal Minister to take-up Senator Webber's proposition of an amendment to include Albany's Residency Museum, Old Gaol, Eclipse Museum and the Amity Heritage Precinct as a world class example of a convict colonial settlement – Western Australia's first in fact.

Thank you Madam Mayor / Councillors.

## \*Ms V Torr

Ms Torr addressed the Council and referred to the Environmental Policy of Capetown, South Africa and suggested that the City of Albany should adopt a similar attitude / policy towards the environment.

### Item 5.0 continued

### \*Mr M Field

Mr Field addressed the Council in relation to Item 11.3.1 Adoption of Draft Policy – Residential Design Code Policy and noted the following points of the draft policy:

- Contains no architectural comment other than from Mr de Villiers
- Does not cater for developments of an international style resort that may for instance contain 180-200 rooms
- Appears to limit cluster housing development to three-storey heights
- Has no capacity to accommodate multi-storey commercial premises.

## \*Ms T Cleeve

Ms Cleeve addressed the Council in relation to statements made earlier during public question time by Mr Sweeney and asked 'what misleading statements did AWAG make and how were they misleading?' Ms Cleeve stated that AWAG's statements were factual and well researched. She felt that simple statements made publicly with no factual basis were unfair.

## \*Mr D Dufty

Mr Dufty addressed the Council in relation to the ANZAC Peace Park project as follows:

When the initial plans for the ANZAC Peace Park was first published I questioned a Council officer on the capacity of the planned settlement ponds and the discharge rate of the York Street drain pipes. He could not answer when I suggested that the ponds would fill in minutes and be useless as settlement ponds. I later received a letter saying the matter had been referred to the consultants. Last Council meeting I clearly identified that the plan if carried out without alteration would preclude future ANZAC Parades.

Has any revision of the plan taken place? If so, what is the projected cost and annual maintenance cost?

There are persistent rumours that Council is planning to shift the Senior Citizens Centre from Grey St. Is there such a plan?

The Centre Management obviously has trouble keeping up repayments. Is it not time that Council took over the debt and relieved its pensioner citizens of paying for whaat is in fact Council property?

Mr Dufty also stated that he felt the consultation undertaken last week with seniors in relation to the Collie Street / York Street civic precinct was too late.

## \*Mr T Harrison

Mr Harrison addressed the Council in relation to the erosion of the Reserve on which Whaleworld is situated and the subsequent silting occurring around the adjacent groyne and pontoon. Mr Harrison expressed his frustrations at the lack of action by other government agencies.

Will Council intervene and force Whaleworld to fulfil its environmental obligations?

### Item 5.0 continued

Mr Harrison also commented that the Council is out of touch with community opinion in relation to the waterfront development. He stated Council needs to better monitor the opinion of the community otherwise Councillors are in danger of being removed from their seats at the next election.

The Chief Executive Officer responded to Mr Harrison's comments in relation to the Frenchman Bay erosion / silting issue and stated that the Council has had no involvement with, approved or sanctioned the construction of the groyne and associated works at Whaleworld.

### \*Mrs K Stanton

Mrs Stanton addressed the Council in relation to a number of agenda items as follows:

I would like Councillors to support the alternate motion by Councillor Evans re: Item 11.5.2 Local Law — Burning Rubbish, Refuse or Other Material. This important environmental and health local law has been a long time in the making. I believe it has been 2 years since the item was first considered by Council and is long overdue. There has been many official complaints, the North Road stack of fallen trees one of the longest running dramas of offensive fumes and smoke invading the homes west along North Road and the fire burned for over 1 week. Just disgraceful. People with asthma and lung problems should never be expected to "just put up with it"! It is in the best interests of the community to have a restriction on these ground burning or incinerator fires, particularly as the City of Albany has a regular green waste pick up and a twice yearly pick up. For the really bigger blocks where a development is occurring the developers should be made to take branches and tree waste to the green tip site; not burn it on the ground.

Over the past week the tree farm properties opposite the tip have been burning piles of tree waste and even today I saw fresh green branches put on the smouldering piles. From where I live I see on a daily basis fires burning right around Little Grove and the Robinson Estate and the smoke is usually heading east over the town area. The ability for the City of Albany to issue permits, under stricter controls, with site visits if there is quantity of rubbish to be burnt and to not allow green waste to be burnt, all waste should be dry. Really wet winters will make it difficult for owners to dry off the rubbish and we should encourage them to take it to the tip in the first place. Because the strength of the wind can carry this smoke pollution over a vast distance, I believe this Local Law should embrace as much of the residential areas of Albany as possible.

The alternate motion of Councillor Paver for Item 11.3.1 Adoption of Draft Policy for Residential Design Code is I believe, the only sensible option the Councillors should vote on tonight. This Policy should be consistent with the State Coastal Policy re: heights on coastal land. Also the State Strategic Taskforce recommendations whether residential can occur or not should be investigated and included with the issues of separate tourist areas in these developments. The issue of building heights, especially in the Barry Court and Frenchman areas, should be further investigated also to get this Policy correct. Therefore I believe Professor de Villiers should be invited to comment on these issues and this report should then be included to give the best Policy out for the public comment. All relevant material must then be included in the report that goes out for public comment period so that residents and ratepayers have the opportunity to comment with full knowledge.

### Item 5.0 continued

Item 11.3.2 – Policy Amendments for the Central Albany Urban Design Policy. As I said at the Briefing last week, I think I must have been at a different public workshop, because the first 2 issues that we picked as the most important were Cultural and Heritage for the whole area and number 2 was that this whole area definitely stay in public ownership. Very few people present wanted residential on Collie Street or elsewhere in this big block and if we did agree to any residential ti would only be after full public consultation, not just one workshop.

The City of Albany's original recommendation is akin to the husband selling off the family farm without consulting the wife. This land is being held in trust by the City of Albany for the residents and ratepayers of Albany. Therefore, a full Masterplan and a Business Plan must be done by the City of Albany and all this information can then go out for public comment. I believe that Councillor Roley Paver's amended motion should be considered and passed tonight.

At 7.32pm, Public Question Time was extended by a show of hands.

### \*Mr G McBeath

Mr McBeath addressed Council in relation to Item 11.3.2 Policy Amendments – Central Albany Urban Design Policy. He generally was opposed to the officer recommendation and expressed concerns at the proposed sale of the Collie Street land. Mr McBeath supported the development of a Masterplan for the whole area.

## \*Mrs P Kerruish

Mrs Kerruish addressed the Council in regard to the waterfront development and expressed objection to the activities, threats, misleading information and mischievous photos circulated by members of the Albany Waterfront Action Group (AWAG) and the Albany Ratepayers and Residents Association (ARRA).

Mrs Kerruish also indicated her disapproval of threats made earlier in the meeting to 'remove' Her Worship the Mayor and Councillors from their elected positions. She stated that the elected members were elected to their roles by 50% of all electors, not a minority who disagreed with the decisions of the Council.

Mrs Kerruish stated she was a member of the silent majority who were beginning to express their objections to such activities of these minority opinion groups. She stated that consultation had been occurring for a number of years in regard to the waterfront development and it was time for Council to get on with it.

## \*Ms B Bassan

Mrs Bassan addressed Council in relation to the waterfront development. She stated that while many people supported AWAG and expressed their opinions publicly against the waterfront, they were not members of AWAG and their comments were not necessarily endorsed by AWAG.

Mrs Bassan stated that AWAG's aim was to get the Council to conduct a referendum on the issue of high-rise development on the waterfront. If the majority supported such development, then AWAG would let the matter rest.

## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Chief Executive Officer, Andrew Hammond, advised that the minutes of the Ordinary Council Meeting held on 15<sup>th</sup> May 2007 contained the decisions only of the Council in relation to some confidential items that were considered behind closed doors. He further advised that the report papers and papers tabled at the meeting were maintained confidentially on file.

## **DRAFT MOTION:**

THAT the following minutes:

Ordinary Council meeting held on 15<sup>th</sup> May 2007;
 as previously distributed be confirmed as a true and accurate record of proceedings.

## MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR WATERMAN

## **THAT the following minutes:**

Ordinary Council meeting held on 15<sup>th</sup> May 2007;
 as previously distributed be confirmed as a true and accurate record of proceedings.

**CARRIED 12-1** 

## Record of Vote

For: Mayor Goode, Councillors Marshall, Emery, Wellington, Waterman, Evans, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman.

Against: Councillor Paver

## 7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 8.0 DISCLOSURE OF FINANCIAL INTERESTS

| Name                  | Item  | Nature of Interest                      |
|-----------------------|---|---|
| Councillor Lionetti   | 11.3.9 - change residential density in CBD area | Financial – owner of land in CBD area   |
| Councillor Walker     | 11.4.3 – convert private roads to public roads  | Impartiality – member of Baptist Church |
| Councillor Wellington | 11.3.9 - change residential density in CBD area | Financial – owner of land in CBD area   |

### 9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

## 10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

# Development Services

**REPORTS** 

-REPORTS-

## 11.1 DEVELOPMENT

Nil

### **DEVELOPMENT SERVICES REPORTS**

## 11.2 HEALTH, BUILDING & RANGERS

## 11.2.1 Casual Rangers 2007/08

File/Ward : SER127 (Hassall Ward)

Proposal/Issue : To consider whether to continue with the casual

ranger scheme

Subject Land/Locality : N/A

Proponent : City of Albany

Owners : N/A

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

Disclosure of Interest : Nil

Previous Reference : OCM 21/11/06 - Item 11.2.1

**Summary Recommendation**: Continue with employment of casual rangers in

2007/08

**Bulletin Attachment**: N/A

Locality Plan :

## **BACKGROUND**

- 1. At its meeting dated 21 November 2006 Council resolved the following:
  - "1. THAT Council resolves to:
    - a) Confirm the decision of the Off Road Vehicle Advisory Committee that all beaches within the City of Albany are prohibited areas under the Off Road Vehicles Act and that appropriate signage be erected to that effect.
    - b) Restrict vehicle usage on beaches within the City of Albany to road registered vehicles (excluding quad bikes, motorcycles or any other vehicle capable of being registered under the Off Road Vehicles Act) with travel only between high and low water marks and that penalties for non compliance be levied to the maximum limit authorised by Council's Local Laws.
    - c) Actively enforce a ban on Off Road Vehicle usage within City of Albany reserves and on beaches within the City of Albany.
  - 2. THAT Council resolves to allocate \$40,000 in the 2006/07 budget towards the employment of two casual rangers and equipment to enforce the City's Local Laws within the City of Albany using a 'nil tolerance' approach to Off Road Vehicle usage and that a budget income of \$30,000 be provided."

### **DEVELOPMENT SERVICES REPORTS**

## Item 11.2.1 continued

- 2. In accordance with the above resolution, two casual Rangers were appointed, and commenced duties in mid-March 2007. Over the past two months, the Rangers have patrolled Council's reserves on weekends, public holidays and during the school holiday period. They were on duty during the busy Easter and Anzac Day periods.
- 3. Due to the media attention and community debate surrounding Council's decision in November, the amount of off-road vehicle usage on Council reserves has reduced dramatically. The ongoing presence by the casual Rangers has ensured this usage is further reduced.
- 4. In relation to off-road vehicles, the Rangers have issued several infringements, given numerous verbal warnings and moved on non-complying riders. They have also enforced other legislation relating to illegal camping, fire restrictions, litter control and dog control (in reserves where no dogs are permitted, or are required to be leashed at all times).
- 5. There are currently no funds in the draft 2007/08 budget to continue with the employment of casual Rangers. The purpose of this report is to allow Council to debate whether it wishes to cease the scheme, as was originally planned, or to continue it on in the 2007/08 financial year.

## STATUTORY REQUIREMENTS

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

### **POLICY IMPLICATIONS**

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

### FINANCIAL IMPLICATIONS

- 8. Should Council support the continued employment of the casual Rangers in the 2007/08 financial year, the level of expenditure will be dependent on time periods deemed acceptable to Council.
- 9. Two financial options have been identified in Table 1 below. These estimates do not include the hiring of a 4WD vehicle as it is intended that existing Ranger vehicles can be rotated to allow the casual Rangers to undertake their duties, without impacting on the operating requirements of the Ranger's Team.

## **DEVELOPMENT SERVICES REPORTS**

## Item 11.2.1 continued

**TABLE 1: FINANCIAL OPTIONS** 

| Option<br>No. | Proposal  | Time Periods/<br>Hours<br>Involved   | Costs   |
|---------------|---|--|---|
| Α.            | Employ casual rangers<br>for 3 month period<br>only over summer<br>(December –<br>February) | and school holidays<br>during high use   |   |
| B.            | Employ casual rangers throughout year for limited periods.                                  | Working long weekends throughout year (including winter), all school holidays and summer weekends. | Approximately \$20,000 based on: Long weekends, plus 12 weekends in summer and 12 weeks school holidays |

10. The income stream from the casual rangers over the past 2 months, through the issuing of infringements, has been around \$400. It is anticipated that additional income through infringements will be in the vicinity of around \$1000 for Option A and \$2000 for Option B, meaning the net cost to Council will be \$10,000 for Option A, and \$18,000 for Option B.

## STRATEGIC IMPLICATIONS

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

## "Community Vision

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

Excellent community infrastructure and services.

## Mission Statement

The City of Albany is committed to ...

Providing sound governance

## **Priority Projects**

Nil."

## **COMMENT/DISCUSSION**

12. Each weekend, one full-time Ranger is on duty between the hours of 8:00am to 5:00pm. Depending on the time of the year, the Ranger's ability to regularly patrol coastal reserves can be affected.

### **DEVELOPMENT SERVICES REPORTS**

### Item 11.2.1 continued

- 13. During summer weekends and over the Christmas School Holiday period, the Rangers are attending to a variety of issues such as:
  - Illegal camping;
  - Fire control;
  - Increased recreational activity and subsequently more dog control issues;
  - Off-road vehicle usage.
- 14. During winter periods, when the range of duties is lessened, there is sufficient capacity for the on-duty Ranger to attend to a variety of duties.
- 15. During summer periods when beach usage is at it's highest, it can be difficult for the duty Ranger to patrol such areas while attending to dog control issues closer to the urban area. If a dog attack occurs or is likely or logistical support is needed in response to a fire, the Ranger's priority is to always attend to these incidents.
- 16. If Council wishes to maintain a regular presence in reserves during high usage periods (summer weekends / school holidays etc) it can only be achieved using casual Rangers. Council is otherwise reliant on the full-time Ranger undertaking occasional patrols, depending on priorities.
- 17. To maintain patrols, the preference is to pursue Financial Option B (as detailed in Table 1) and continue the employment of the casual Ranger(s). The casuals have been appropriately trained and are now familiar with the applicable legislation. Over the winter months they would not be used (except for long weekends and school holidays) due to the availability of the full time Ranger to undertake reserve patrols. In the summer months, the casual Rangers will be able to inspect reserves exclusively, ensuring a greater compliance rate.

### RECOMMENDATION

THAT Council seek the allocation of \$18,400 net cost in its 2007/08 budget towards the continued employment of two casual Rangers all year during limited periods to regulate activities such as Off Road Vehicle usage, litter and illegal camping within the City of Albany.

| Voting Requirement Simple Majority |
|------------------------------------|
| <br>                               |

## Item 11.2.1 continued

## MOVED COUNCILLOR WALKER SECONDED COUNCILLOR JAMIESON

THAT Council seek the allocation of \$28,000 net cost in its 2007/08 budget towards the continued employment of two casual rangers for all of the financial year. They would be on duty weekends, public holidays and school holiday periods to regulate activities such as off road vehicle usage, litter and illegal camping within the city of Albany.

CARRIED 10-3

## Reason:

Its important to keep a regular inspection regime for the whole year rather than selected periods to ensure compliance occurs at all times.

## Record of Vote:

For: Mayor Goode, Councillors Marshall, Emery, Wellington, Waterman, Evans,

Jamieson, Wolfe, Walker and West.

Against: Councillors Paver, Lionetti and Wiseman.

## **DEVELOPMENT SERVICES REPORTS**

#### 11.3 **DEVELOPMENT POLICY**

## 11.3.1 Adoption of Draft Policy - Residential Design Code Policy

File/Ward STR239 (Various Wards)

Proposal/Issue Adoption of Policy to Restrict Performance

Standards under R Codes

Subject Land/Locality : Various Properties

**Proponent** City of Albany :

**Owner** Various

Reporting Officer(s) Executive Director Development Services

(R Fenn)

**Disclosure of Interest** Nil

**Previous Reference** OCM 19/09/06 - Item 11.1.1

**Summary Recommendation** : Adopt Draft Policy for Advertising Purposes

**Bulletin Attachment** Residential Design Code Policy :

**Locality Plan** N/A

## **BACKGROUND**

- 1. At the September 2006 meeting, Council resolved to fund a consultancy to prepare guidelines for areas where Council could consider buildings with additional height beyond the two storey height limit imposed by the Residential Design Codes. Mr Patric DeVilliers was engaged to extend the policy framework, in consultation with major stakeholders, that he previously prepared for the Central Business District.
- 2. Following this report is an independent report prepared by Mr DeVilliers detailing the rationale for the draft policy document that is included in the Elected Members Report / Information Bulletin.

## STATUTORY REQUIREMENTS

3. Pursuant to Clause 3.7.1 of the Residential Design Codes, a landowner constructing a residential building is required to design the building to meet either the "Acceptable Development" or the "Performance Criteria" provisions of the Codes. The Codes state:

> "Except where otherwise provided for in an adopted Local Planning Policy development that complies with the following is deemed to meet the relevant Performance Criteria ......top of external wall (wall Above) - 6.0m... top of external wall (concealed roof) – 7.0m .... top of roof pitch – 9.0m"

## **DEVELOPMENT SERVICES REPORTS**

### Item 11.3.1 continued

4. Clauses 7.21 of Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3 set out the procedure to adopt a Town Planning Scheme Policy and that process is in three parts. Council must adopt the draft policy, the draft is then advertised and public comment sought. Council must then resolve to adopt the final policy, taking into consideration any comments received during the public advertising period.

## **POLICY IMPLICATIONS**

- Mr DeVilliers' report highlights the WAPC's current policy position relating to 5. developments within 300m of the coast. The draft Residential Design Code Policy will restrict development to a height below that specified in State Planning Policy SPP 2.6.
- 6. This draft policy also does not revisit the R Code provisions covered by the Central Albany Design Policy or the Albany Waterfront Precinct Plan. Equally, it makes no mention of the City's adopted policies covering Coastal Building Heights or Barry Court.
- 7. As part of the final adoption of this policy, those policies may need revision or revocation.

## FINANCIAL IMPLICATIONS

8. Council is required to advertise the policy and that process can be undertaken within existing budget parameters.

## STRATEGIC IMPLICATIONS

9. Mr DeVilliers has undertaken an independent analysis of the City's built form and been responsible for the drafting of the various design guidelines relating to built form and height. This strategic overview is consistent with the principles espoused in the City of Albany Local Planning Strategy (ALPS).

## COMMENT/DISCUSSION

- 10. Within the City, according to Mr DeVilliers, there are a number of locations where "mid rise" developments (3 to 5 storeys) are capable of being developed without impacting upon the City's character or adversely affecting neighbouring properties. The process used to identify those sites is described in his report, with the resultant development parameters then recorded in the draft policy.
- 11. The draft policy proposes that future developments, taking advantage of the height provisions in the policy, incorporate mixed uses (i.e. commercial/office developments at street level and residential above) in certain areas. provisions of the policy are not supported by the current zoning provisions of the town planning schemes. A scheme amendment would be required to give effect to the urban design outcomes promoted.
- 12. ALPS promotes an intensification of the density of development on residential properties in close proximity to activity centres (Spencer Park, etc), by doubling the residential coding on those properties to R40. Landowners are unlikely to take advantage of the height relaxations promoted in the draft policy until the Codes are adjusted from the current R20 density classification.

### **DEVELOPMENT SERVICES REPORTS**

### Item 11.3.1 continued

- 13. A number of sites have been earmarked for landmark buildings (Big Grove, Emu Point, etc) and the City is yet to receive detailed structure plans for future developments in those localities. Similarly, the Woolstores and the Centennial Park sites are currently zoned "Industrial" and Council will require from the landowner a rezoning proposal and a detailed Structure Plan before the development concepts outlined in the policy could be utilised.
- 14. Notwithstanding the above anomalies, the policy sets out a logical framework and a set of guiding principles against which future development applications can be assessed within the urban and peri-urban fringe of the city. The ultimate adoption of the draft policy will improve the City's capacity to defend a State Administrative Tribunal Review against an inappropriate future development. It complements the policies adopted for the Central Area and the Albany Waterfront.

## RECOMMENDATION

THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt the draft "Residential Design Code Policy" for the purposes of advertising the policy for public comment.

Voting Requirement Simple Majority

.....

## MOVED COUNCILLOR PAVER SECONDED COUNCILLOR MARSHALL

THAT Council defer consideration of the adoption of the Residential Design Code Policy for one month to allow Urbanizma to:

- (a) express therein the view that the proposed height controls be included ultimately in the new Community Planning Scheme; and
- (b) further clarify the built form requirements to ensure views from the beach level are not compromised by any future development on the Frenchman Bay site.

LOST 4-9

## Reason:

- (a) Whether or not the height controls proposed by the policy should be reflected in the new Community Planning Scheme is a matter upon which the community should be invited to comment.
- (b) The policy refers to maximising development setbacks, however by setting a minimum visual setback for any future development in combination with height controls clearer design paramaters can be adopted for this site. It is clear from inspecting the site that vegetation cover in the reserve fronting the development will not screen development from other areas west of the eastern most car park.

## Record of Vote:

For: Mayor Goode, Councillors Marshall, Paver and Evans

Against: Councillors Emery, Wellington, Waterman, Jamieson, Wolfe, Walker, West,

Lionetti and Wiseman

## Item 11.3.1 continued

## MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR EMERY

THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt the draft "Residential Design Code Policy" for the purposes of advertising the policy for public comment.

CARRIED 10-3

## Record of Vote:

For: Mayor Goode, Councillors Marshall, Emery, Wellington, Waterman, Jamieson,

Wolfe, West, Lionetti and Wiseman

Against: Mayor Goode, Councillors Paver and Evans

Item 11.3.1 continued

## Albany Residential Design Policy Report

### 1.0 Introduction

The development of the Albany Residential Design Policy was initiated in December 2006 through a workshop with local architects, discussions with representatives of the real estate industry, and a briefing from, and discussions with, Council Officers and Elected Members of the City of Albany.

This report seeks to clarify the framework within which the policy will sit by assessing the development context, relevant strategic factors, development pressures, and the current planning framework under State Government Policy and the City of Albany Town planning provisions.

## 2.0 Development Context

As cities develop and grow the urban morphology inevitably becomes more intensive. One manifestation of this process of intensification is the increased height of urban development generally, and more specifically, the mounting pressure for high rise buildings.

In Western Australia community sentiment has historically been strongly opposed to high rise development. However, the outcome of the interface between market pressure and community resistance has not prevented high rise development. It has simply tended to result in a totally ad hoc process of high rise development, both in terms of spatial distribution and urban form.

In this context it is important for the City of Albany to develop a clear strategic position on higher development within the city.

## 3.0 Strategic Factors

Strategically any effective response to the pressure for high rise buildings in Albany needs to address the particular circumstances of both the natural environment and the urban context of the city.

This 'pressure' should also be evaluated against broader public interest criteria for the city which include:

- the planning aspirations for the city
- the integration of such development within the existing built fabric, and
- · community sentiment

### 4.0 Development Issues

The vast majority of existing buildings within Albany are single storey. Both historically, and more recently, the town centre has included a number of two storey structures and in many instances contemporary residential development, particularly on larger blocks with views, has tended to comprise two rather than single storey development. In addition there are a limited number of existing three storey structures in the city which include the Francesco's Building, Middleton Centre and the adjoining motel all on Middletown Road, the flats on the corner of Vancouver and Mill Streets and the Esplanade Hotel and a recent adjoining development at Middleton Beach.

However, a number of recent development proposals within the city have clearly demonstrated the increased pressure for higher buildings. These include the various proposals for Earl Street in the town centre, the approved residential development at Barry Court, Emu Point and the current proposals for the Esplanade Hotel at Middleton Beach.

### **DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

## **5.0 Planning Framework**

The Western Australian Planning Commission has adopted a State Coastal Planning Policy (SPP 2.6). This policy addresses land use planning and development issues as they relate to the protection and management of the coast.

The policy requires strategic plans to guide local planning, development setbacks for protection against coastal processes such as erosion and storms, and the provision of coastal foreshore reserves. Guidance is also provided on determining setbacks.

The objectives of this policy are to:

- protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;
- provide for public foreshore areas and access to these on the coast;
- ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and
- ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

The policy is implemented through local government town planning schemes, and regional and local strategies. The preparation of coastal planning strategies or coastal foreshore management plans in partnership with the broader community is also strongly advocated.

Currently proposed amendments to the State Coastal Planning Policy include the insertion of a new sub-section 5.3 in "Policy Measures" which addresses building height limits. These provisions will apply to all development within 300 metres of the horizontal setback datum of the coast. The height of buildings within this area should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Town planning schemes may specify lower maximum height limits in particular localities in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.

Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:

- (a) there is broad community support for the higher buildings following a process of full consultation;
- (b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;
- (c) the location is part of a major tourist or activity node;
- (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and
- (e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.

Within the City of Albany the planning provisions covering the height of development are contained in the Town Planning Schemes 1A and 3, the Residential Design Codes and in Council Policy.

## Item 11.3.1 continued

While the Schemes do not establish definitive limits for the height of development in assessing developments, the Council is required to have regard under both Town Planning Scheme 1A (by way of Clause 7.8A) and Town Planning Scheme No 3 (by way of clause 5.4) to the likely effect of height (among a number of other impacts) on adjoining land or on land in the locality. The Residential Design Codes under the provisions of clause 3.7.1 establish height limits for residential development. Unless a Local Planning Policy establishes an alternative standard, Category B applies. This establishes a maximum height of an external wall (roof above) as 6m, an external wall (concealed roof) as 7m and the top of a pitched roof as 9m.

The Central Albany Urban Design Policy establishes maximum building heights of three storeys in the Central Business District and two storeys, with limited exceptions, in the adjoining Residential Areas.

Finally, the Albany Waterfront Structure Plan establishes a range of permitted building heights in the various precincts within the waterfront. These range from single storey to five storeys with potential in some instances to utilize roof volumes.

## 6.0 Policy Issues

The first stage of the development of the Residential Design Policy involved a number of informal workshops with Elected Members of the City of Albany, and local architects as well as a number of interviews with local real estate agents. The purpose of these sessions was to gain a thorough understanding of the context, and identify the critical issues which would need to be addressed in the policy.

The issues raised were essentially a response to the following questions:

- Do we need increased height for development in the City of Albany; and if so why?
- Where can higher development be achieved, and why?
- What form should such development take?

## 6.1 Do we need increased height for development in the City of Albany?

There was a general consensus that there was likely to be increasing pressure for higher development in the future as demand for multiple dwellings and multi-storey holiday accommodation increase and, rather than responding to individual developments on an ad hoc basis, the Council should establish a clear strategic position on the issue.

While the historic character of the CBD constrained higher development in that locality it would be of benefit to the City to identify areas where higher development could be encouraged. This would provide benefits in terms of potential increases in population and employment, the associated provision of a broader range of facilities, and a more diverse housing stock than that which was likely to be achieved without such development.

In addition, if areas fairly close to the CBD could be identified they would carry the added benefits of mediating to some degree the pressure for peripheral expansion as well as provide additional support for the economy of central area. However, these outcomes were arrived at in the context of a number of fairly firm suggestions on the nature of higher development which are dealt with in Section 6.3 below.

## 6.2 Where can higher development be achieved?

It was recognized that the likely pressures for higher development would impact predominantly on the CBD and coastal areas, particularly in locations that provide access to significant views. While there may well be benefits in utilizing higher development to assist in urban consolidation in the short term demand in such areas is likely to be much more limited.

## **DEVELOPMENT SERVICES REPORTS**

### Item 11.3.1 continued

The discussions suggested a number of criteria which would be relevant to the selection process:

- The total extent of areas considered needed to reflect realistic short to mid term demand for this type of development in Albany.
- The need to provide a distinct alternative to existing CBD development options, rather than competing with the regeneration of central Albany.
- The potential to take advantage of coastal opportunities and views.
- The consolidation rather than the dispersal of urban development.
- The need to be sympathetic in terms of the impact of development on the natural landscape.
- The need to limit potential impacts on existing residential areas or views of significance.
- The provisions of the State Coastal Planning Policy (SPP2.6) and the adopted amendments to the policy.

In this context a number of suggestions were mooted in terms of areas that may have potential for higher development. The most obvious coastal locations comprised:

- The Woolstores site off Frenchman Bay Road
- The area around the Esplanade Hotel at Middleton Beach
- Emu Point (the new Landcorp development could include a small cluster of higher development)

These first two locations are logical in terms of their location in close proximity to the CBD, and in providing two very different options for higher development. The Woolstores site provides a large landholding with considerable potential for a comprehensive development unconstrained by existing development.

The proximity of Albany's premier beach has seen strong demand at Middleton Beach. While any proposed higher development will need to effectively integrate with existing development there is potential particularly along Flinders Parade, and Garden Street.

In addition the proposed Landcorp development at Emu Point could effectively integrate a small cluster of higher development within a larger comprehensively planned development

These locations all compliment rather than compete with the proposals for the Albany Waterfront in which residential uses are restricted to short stay tourist accommodation. In addition, together with the Foreshore, they provide four very different potentials for a range of mid-rise development and comprise a reasonably extensive 'land bank' relative to likely future demand.

Further suggestions for coastal locations included the following:

- Little Grove there are, however, likely to be substantive problems in attempting to effective integrate higher development into the existing fabric of this locality.
- Big Grove the future rezoning of this area could provide for some higher development to reinforce a node of activity.
- Frenchman Bay while any new policy will not impact on the current development proposal for the site it would be appropriate to establish potential heights should the Council be required to assess new proposals in the future.

The suggestions for non-coastal sites were more broad-ranging and included:

• Centennial Park – this area has it seems considerable potential both in terms of the rationalization of public land and the selective rezoning of existing industrial land.

### Item 11.3.1 continued

- Existing residential areas (Lockyer, Yakamia, Spencer Park, Bayonet Head) –
  There is strong logic in <u>selective</u> intensification around activity centres, parks etc
  building on the precinct planning being undertaken for the new planning scheme.
  The logic is to get more people around facilities and obtain a broader diversity in the
  housing stock.
- Middleton Road (north side near High School) while clearly higher development here is unlikely to have adverse impacts on the locality it is difficult to imagine strong demand in this area, particularly in the short term.
- A number of locations in the CBD the included Lockyer Avenue, Brunswick Road, Festing Street, the top of York Street (near the roundabout), and Amity Quays. The recently adopted Central Albany Urban Design Policy has already established height parameters for these locations.

## 6.3 What form should such development take?

The discussion of parameters for 'higher development' generated a range of suggestions which started from "Albany does not need anything above three storeys' to one suggestion of "5/6/7 storeys". However, a strong consensus seemed to emerge that the city should be considering midrise rather than high-rise development and that this would logically mean four or possibly five storeys.

The other issue which emerged strongly in discussion was the need to recognize that the impact of higher buildings was critically depended on their bulk and scale. In this context it would be important for the policy to address the articulation of larger buildings to break down their perceived bulk.

The outcomes of the discussion effective established a number of principles which should be applied in the assessment of higher development:

- Higher development should be 'mid-rise' not 'high rise'. Most people were comfortable with four storeys although there was some discussion over the potential, in certain circumstances, for limited five storey components in larger developments.
- Higher development should bring with it public benefits by way of support to existing
  activity nodes, the provision of new facilities and services for the city and/or
  improvements to the public domain of the city.
- That the bulk and scale of higher development needed to be actively addressed in the design process to provide articulation and ensure that a human scale is maintained in such developments

In terms of the coastal locations identified such an approach would accord with the adopted amendments to Statement of Planning Policy No 2.6 State Coastal Planning Policy which, while providing some potential for eight storey development, generally limits development within 300 metres of the coast to five storeys.

The interpretation of the State Coastal Planning Policy needs to be considered in terms of the local context:

- The approach taken in the development of the Residential Design Codes policy accords with the objectives of the State Coastal Planning Policy in protecting and conserving coastal values, providing for public access to the coast; identifying appropriate areas for the sustainable use of the coast; and ensuring that the location of coastal development takes into account coastal processes.
- The draft policy responds directly to the built form, topography and landscape character of Albany and maintains visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.

## Item 11.3.1 continued

- The draft policy clearly identifies a range of nodes on the coast providing development potential while protecting the role of the central area.
- In establishing appropriate height limits for the city the process has involved a process of full consultation.

Finally a number of the architects raised the issue of the need for clear parameters in measuring building heights on steeper sites. The current Residential Design Code provisions often mean that proposals do not meet the 'Acceptable Development' criteria on steeper sites and the exercise of some discretion in dealing with such applications would be appropriate.

Patric de Villiers URBANIZMA 17 May 2007

## **DEVELOPMENT SERVICES REPORTS**

## 11.3.2 Policy Amendment - Central Albany Urban Design Policy

File/Ward : STR128 (Frederickstown Ward)

Proposal/Issue : Amendments to Current Policy to Include

Multiple Dwellings and to Introduce Design

Guidelines for City Land

Subject Land/Locality : Southern Slopes of Mounts Clarence and

Melville

Proponent : City of Albany

Owner : Various

Reporting Officer(s): Executive Director Development Services

(R Fenn)

Disclosure of Interest : Nil

Previous Reference : OCM 21/11/06 - Item 12.7.4

Summary Recommendation : Adopt Amendments for Advertising Purposes

**Bulletin Attachment**: Collie Street Site Urban Design Principles

Locality Plan : N/A

## **BACKGROUND**

1. When the State Administrative Tribunal handed down its determination on the Earl Street Review, the following comment was made:

"the policy (Central Albany Urban Design Policy) does not in fact contemplate proposed form of development (multiple dwelling) on the site. Although Mr Adam considers that the height controls which are applicable to single houses and group dwellings in the residential precinct of the policy, of which the site forms part, can be interpolated to apply to this proposal, we do not agree."

2. Mr DeVilliers has review the Central Albany Urban Design Policy and has recommended that Clauses 9.5.3 to 9.5.6 of the Central Albany Urban Design Policy be amended to include appropriate development principles for multiple dwellings within the "Residential Precinct" of the area covered by the policy. A copy of the additional provisions follows this report (the original clauses are reproduced with the changes incorporated in italics).

### **DEVELOPMENT SERVICES REPORTS**

## Item 11.3.2 continued

3. At the November 2006 meeting of Council it was resolved that:

"THAT the preparation of the business plan for the sale of the York Street Administration Site be deferred and:

- 1. Professor Devilliers be engaged to conduct workshops and prepare site specific design guidelines and an overall Masterplan for the area that will encapsulate:
  - a) Appropriate land uses for the site.
  - b) The density and scale of residential apartments.
  - c) Building heights, colours and design themes.
  - d) Civic open space and the effective integration and utilisation of all of the proposed uses on the site.
  - e) The required design relationships between the Town Hall Theatre, new buildings and York Street.
  - f) The protection of the heritage values and general amenity of the Town Hall.
  - g) The impacts of residential activity on the site and the York Street area generally and recommendation of the maximum number of apartments for the site.
  - h) The retention of sufficient civic space to maintain the present civic focus and importance as the 'hub' of social, cultural and civic activity in Albany."
- 4. Mr DeVilliers has briefed Council on a set of design guidelines for the Collie Street site that Council is considering to offer for private development. A copy of the draft policy is included in the Elected Members Report / Information Bulletin.
- 5. A portion of the site contains the original grave site of Mokare and the design policy has been referred to the Albany Aboriginal Heritage Reference Group for comment. The Aboriginal Heritage Management Plan for the site acknowledges that the south western portion of the site would not be developed and that Mokare's grave site would be recognised.

## STATUTORY REQUIREMENTS

- 6. Mokare's Grave site is recognised under the Aboriginal Heritage Act and any development of land in the locality requires a Section 18 approval from the Minister for Indigenous Affairs.
- 7. Section 7.21 of the City of Albany Town Planning Scheme sets out the procedure to adopt a Town Planning Scheme Policy and that process is in three parts. Council must adopt the draft policy, the draft is then advertised and public comment sought. Council must then resolve to adopt the final policy, taking into consideration any comments received during the public advertising period.

## **POLICY IMPLICATIONS**

8. When adopted, Council must give consideration to the policy when considering development proposals, but Council is not bound by the policy provisions.

## **DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

### FINANCIAL IMPLICATIONS

9. The provision of consultancy services to prepare the draft policies has been achieved within existing budget provisions.

## STRATEGIC IMPLICATIONS

10. ALPS promotes the expansion of residential housing types within the City and urban consolidation to reduce the ecological footprint of the City. Very little of the City's housing stock is currently provided as multiple dwellings.

## **COMMENT/DISCUSSION**

11. The modifications to the current Central Albany Urban Design Policy acknowledge the current deficiency in the adopted policy. The additional Clauses relating to the Collie Street site were requested by Council. The policy has been checked by City staff and there is support for the documents, as currently drafted.

### RECOMMENDATION

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to adopt the draft modifications to the Central Albany Urban Design Policy that;

- (a) introduce Clauses into sections 9.5.3 to 9.5.6 of the policy relating to the design requirements for multiple dwellings; and
- (b) introduce urban design principles for the Collie Street site (portions of Albany Town Lots S110 to S112).

Voting Requirement Simple Majority

## MOVED COUNCILLOR PAVER SECONDED COUNCILLOR EVANS

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to adopt the draft modifications to the Central Albany Urban Design Policy that introduce Clauses into sections 9.5.3 to 9.5.6 of the policy relating to the design requirements for multiple dwellings.

**LOST 5-8** 

### Reason:

Part b) of the proposed recommendation is superfluous and premature. Design principles for City owned land within the area bounded by Serpentine Road, York Street, Grey Street West and Collie Street should follow extensive public consultation and reflect the contents of a Master Plan prepared for the whole, and not just part, of the precinct.

## Record of Vote:

For: Mayor Goode, Councillors Marshall, Paver, Evans and Jamieson Against: Councillors Emery, Wellington, Waterman, Wolfe, Walker, West, Lionetti and Wiseman

Councillor Paver tabled a copy of his address in support of the motion, which is attached.

## Item 11.3.2 continued

## MOVED COUNCILLOR WALKER SECONDED COUNCILLOR WELLINGTON

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to adopt the draft modifications to the Central Albany Urban Design Policy that;

- (a) introduce Clauses into sections 9.5.3 to 9.5.6 of the policy relating to the design requirements for multiple dwellings; and
- (b) introduce urban design principles for the Collie Street site (portions of Albany Town Lots S110 to S112).

**CARRIED 8-5** 

## Record of Vote:

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

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

Item 11.3.2 continued

## Item 11.3.2 OCM 19th June 2007 Address by Councillor Paver to Council

Madam Mayor

Paragraph b) of the officer's recommendation is superfluous to part a) for the simple reason that the City's York Street land is covered by the Central Albany Urban Design Policy and by the proposed modifications to that policy relating to multiple dwellings.

It is also premature because the adoption of urban design principles for all or part of the precinct bounded by York Street, Serpentine Road, Collie Street and Grey Street West should have been informed by extensive public consultation on land use and the preparation of a master plan for the development of the whole precinct. There has not been extensive public consultation on land use in this precinct. Nor has a master plan been prepared that reflects the outcome of any public consultation.

Madam Mayor I am very disturbed by the manner in which these design guidelines have been presented to Council for adoption. I can recall no Council resolution authorising the engagement of Mr de Williers specifically to prepare design guidelines for the private development of the Collie Street site for residential and commercial purposes. He seems to have proceeded under instructions from staff who have left him with the impression, and here I quote from his submission, that "Council has resolved to offer for sale a portion of land on Collie Street within central Albany".

Now Madam Mayor this is false. What Council has resolved, and it did so on 30th August 2005, is to "prepare a business plan that provides for the subdivision and sale of land situated within the York Street civic precinct". A Council resolution to prepare a business plan for the sale of this land might imply a desire among certain Councillors to sell it but it is manifestly not a Council resolution to sell it. This is a decision that can only be made following the preparation and advertising of a business plan, which in turn should follow extensive public consultation and the preparation of a master plan.

Madam Mayor, a large percentage of the population in Albany is disenchanted with the way the City of Albany has responded to the State Government's proposal to shift the entertainment centre to the foreshore. One of their concerns relates to the desire expressed with indecent haste

Item 11.3.2 continued

by some Councillors to sell the City's York Street land. This desire was initially justified on the grounds that there was a need to sell the land to meet the cost of purchase of the foreshore land required for the construction of the entertainment centre.

In November last year I sought and obtained from Stan Goodman clarification on this matter and was assured that it was not necessary for the City to fund the purchase of foreshore land through the sale of its York Street land. Given this assurance I approached the CEO and asked for a Councillor motion to be presented at the November meeting that would ensure that the City would not sell its York Street land without first consulting with the people of Albany to ascertain the uses to which they wanted this land to be put. Before the meeting, for fear that any motion of mine would meet with automatic opposition by Councillors ill disposed to anything I put up, I invited Councillor Williams to run with the matter. This she did and the result was a resolution adopted by Council that was clearly intended to ensure that there was public consultation on the land use to which the City's York Street land should be put.

Madam Mayor what public consultation has taken place is nothing short of a pretence. The November resolution called for workshops. One narrowly circumscribed workshop does not a public consultation make. Moreover, this solitary and closely circumscribed workshop did not result in a public consensus that the York Street land should be sold to private developers for residential and commercial use. On the contrary there was a clearly expressed preference for the land to remain in the public estate and that it be used for civic purposes. Given these facts I am at a complete loss to understand why we have been asked to support a recommendation to introduce urban design principles prepared by Mr de Williers for the residential and commercial development of the Collie Street site?

This whole business is a charade that flies in the face of the expressed intention of the Local Government Act which under section 1.3.(2) (b) is, and I quote, "to result in greater community participation in the decisions and affairs of local governments".

Madam Mayor, land owned by the City of Albany is held by the City on trust for the people of Albany. Of all the land owned by the City the land in York street is by far and away the most important. It is to the people of Albany what the Cullinan Diamond is to the Crown Jewels. It should not be dealt with in the same way as isolated pockets of land in outer suburbs. The people of Albany must not be deprived of the opportunity to

Item 11.3.2 continued

participate in a thorough process of public consultation on the use to which this land should be put. This process of public consultation should then be used to inform a master plan for the development of the whole precinct and subsequently a business plan. To adopt draft urban design principles for the Collie Street site at this time is to put the cart well and truly before the horse. It smacks of the guided democracy that has already enraged a large percentage of the population that is opposed to what is taking place on the foreshore. Tonight we have heard from a few residents who are opposed to the adoption of paragraph b) of the officer's recommendation. We should take careful note of this opposition and accord it the respect that it manifestly deserves.

By removing paragraph b) from the recommendation we will not only give the public a proper opportunity to contribute to decisions about land use in the York Street precinct but also give ourselves the opportunity to reflect on these matters at greater leisure. If after rational public consideration there are defensible planning grounds for introducing residential development in this precinct, it may be that the interests of the City of Albany and its ratepayers are better served not by selling off the land but by entering into a joint venture for its development that will yield a perpetual stream of income for the City. The WACA has done just this to secure the future of its ground. We should consider doing likewise. I am assured by the CEO that it is within our statutory power to do so.

#### Item 11.3.2 continued

#### Multiple Dwellings Draft Amendments (Italisised) to the Central Albany Urban Design Policy

Amend Clause 9.5.3 to read:

#### 9.5.3 Height Datums for Grouped and Multiple Dwelling

Height datums for any residence of building comprising multiple dwellings shall be as set out for single houses.

Height datum for grouped dwellings which do not face the street shall be established at the centre of the footprint of each dwelling.

Height datum for buildings comprising multiple dwellings which do not face the street shall be established at the centre of the footprint of the building where the building is parallel to the street boundary. Where the building runs at right angles to the street the height datums will be measured at the centre line of each dwelling.

Amend Clause 9.5.4 to read:

#### 9.5.4 Undercrofts

Garages and storage (non habitable spaces) may be located in an undercroft level subject to the height constraints set out above.

Where any residence or residential building faces directly onto a street and undercroft provides shall be fully screened.

Amend Clause 9.5.5 (incorrectly labeled 9.5.4) to read:

#### 9.5.5 Larger Sites

On sites larger than 2500 sq m a maximum of 40% of *grouped* dwellings may have components which are three storeys high subject to fulfilling the following performance criteria:

 The area of the third floor level shall be less than 50 sq m inclusive of any terrace or balcony.

On sites larger than 2500 sq m a 40% of the total footprint of the buildings comprising multiple dwellings may have a third storey subject to fulfilling the following performance criteria:

 The third floor shall be setback from the lower floors on any elevation facing the public domain.

To qualify for the additional height both grouped and multiple dwellings shall fulfill the following performance criteria:

- The third floor components shall be set back 10 metres from any boundary.
- The built form of the development shall be articulated to break up the bulk and scale of the development.

#### Item 11.3.2 continued

- Heights for the three storey components shall comply with Category C of Table 3 of the Residential Design Codes measured from the datum levels set out above.
- An unimpeded vista through the development to the Sound, Mt Melville or Mt Clarence shall be provided for pedestrians on the footpath.

Insert a new Clause 9.5.6 to read

#### 9.5.6 Multiple Dwellings

Dwelling Mix

The Council will actively encourage a mix of dwelling types within Multiple Dwellings. In order to provide an incentive for such a dwelling mix the Council may consider relaxation of the following provisions:

- Site coverage to a maximum of 10%
- Plot ratio relaxations to a maximum of 10%
- Setbacks

This consideration will require the provision of both a mix of type (no of bedrooms) and variation in size or configuration of dwellings and be subject to ensuring that the amenity of adjacent existing residential development is not adversely affected by any such relaxations.

Single Bedroom Dwellings

The size of single bedroom dwellings may be increased up to 75 sq m subject to the following:

 The overall plot ratio for the site meets the required standard or the maximum relaxation permitted under Dwelling Mix above.

#### Communal Open Space

Communal open space(s) should generally be contained within the development to provide easy access and some level of privacy from the public domain for residents.

Concession with respect to total open space may be considered subject to the following performance criteria:

- The overall provision shall not be below 85% of the standard required in the Residential Design Codes.
- · Communal open space will be consolidated into usable parcels
- Communal open space will be sited to maximize its functionality in terms of ease of access, solar penetration and the protection of the privacy of particularly ground floor dwellings surrounding it.
- A high quality landscaped area will be provided.
- Private balconies of not less than 16 sq m (with a minimum dimension of 4m) shall be provided

Solar Access and Visual Privacy

#### Item 11.3.2 continued

 The interaction between dwellings (particularly solar access and visual privacy under Clause 11 of this policy) will need to be actively addressed.

Clause 9.6 Access and Parking amended by:

Substituting 'multiple dwelling developments' for 'multi-unit developments'.

#### **DEVELOPMENT SERVICES REPORTS**

Councillor Wiseman left the meeting at 8.48pm and returned at 8.50pm during consideration of Item 11.3.3

Councillor Paver left the meeting at 8.49pm during consideration of Item 11.3.3

#### 11.3.3 Amendment to Outline Development Plan - Bayonet Head

File/Ward : STR077 (Kalgan Ward)

Proposal/Issue : Outline Development Plan (limited)

Subject Land/Locality : Lots 42 and 47 Lower King Road

**Proponent** : Chappell Lambert Everett

Owner : R Fenny and Department of Housing and Works

Reporting Officer(s) : Strategic Planner (A Nicoll)

Disclosure of Interest : Nil

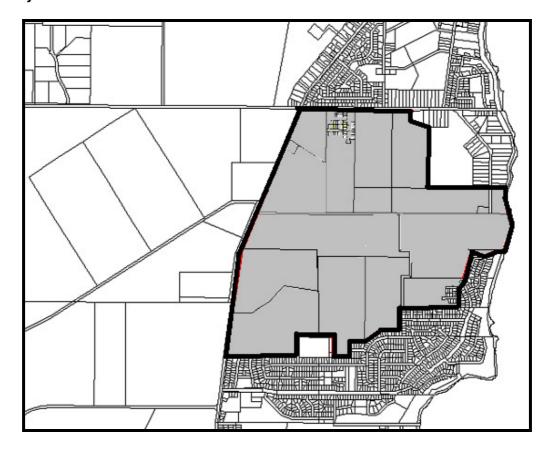
Previous Reference : OCM 20/3/01 - Item 11.3.3

**Summary Recommendation**: Adopt modifications to Outline Development Plan

Bulletin Attachment : Outline Development Plan (limited)

Submissions

Locality Plan :



#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.3 continued

#### **BACKGROUND**

- 1. The City adopted the 'Bayonet Head Outline Development Plan' (BHODP) in 2001, the purpose being to provide a set of overarching principles and a concept plan to guide further staged planning, subdivision and development in the Bayonet Head area.
- 2. Since the adoption of the BHODP, planning principles for the design of communities have changed. The changes are expressed in the state planning policy document "Liveable Neighbourhoods" (Draft Operational Policy 2004). Some of the more relevant changes include:
  - better distributing traffic through the neighbourhood;
  - co-locating POS with schools and the natural environment (linear open space);
  - providing a greater diversity in density and therefore housing product; and
  - centrally locating mixed use shopping precincts.
- 3. The "adopted BHODP" is out of date in its design such that it:
  - encourages a high-speed network of roads;
  - has numerous four-way intersections;
  - locates a shopping precinct away from the major distributor road (Lower King Road); and
  - has poor ecological links to the conservation wetlands.
- 4. The landowners have approached staff at the City to express their desire to develop Lot 47 and portion of Lot 42 (included within the BHOD area) with a mixture of housing densities, a mixed use shopping precinct and an integrated public open space network. The current BHODP does not designate a shopping precinct within Lots 42 and 47. Pursuant to scheme 3, Council could not support any development that is at odds with the adopted BHODP.
- 5. An "Interim Outline Development Plan" (IODP) has now been submitted for Lots 42 and 47 and it was referred to Government Departments and advertised for 28 days in accordance with the requirements prescribed in Town Planning Schemes No. 3. A schedule of submissions is attached at the end of this report.
- 6. Environmental and heritage reviews have been undertaken for Lot 47 and portion of Lot 42. The Environmental Protection Authority concluded that the areas in question do not require a formal assessment in accordance with the *Environmental Protection Act;* environmental undertakings have been provided to protect and rehabilitate the degraded wetland(s) and creek line(s) within the two land parcels.
- 7. An Aboriginal Survey identified a heritage site located within the area known as the "Albert Knapp's Seasonal Campsite". The Department of Indigenous Affairs has received a Section 18 development application under the Aboriginal Heritage Act; final determination is yet to be made by the Minister for Indigenous Affairs on that application.

#### Item 11.3.3 continued

#### STATUTORY REQUIREMENTS

- 8. Scheme 3 states at Clause 5.2 that;
  - "5.2.1 Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:
    - (a) the major road systems under the Scheme;
    - (b) topographic conditions;
    - (c) land holdings adjacent to or in the vicinity of the subject land;
    - (d) the necessity of providing civic and public facilities; and
    - (e) preservation of the environment."
- 9. If the council adopts the 'new plan', it is to be forwarded onto the Department of Planning and Infrastructure for adoption by the WAPC.

#### **POLICY IMPLICATIONS**

- 10. There are no policy implications relating to this item. As already expressed, the IODP plan has been developed keeping in mind the principles defined in the "Liveable Neighbourhoods" (Draft) Operational Policy 2004. The key changes that this document has brought include:
  - Site responsive design;
  - Integrating communities;
  - Choice in density and housing:
  - Appropriate distribution of mixed use centres; and
  - Planning for natural resource protection.

#### FINANCIAL IMPLICATIONS

11. There are no financial implications relating to this item. The opportunity is available, at the time of subdivision and development, to obtain contributions for the development/upgrading of infrastructure such as the Alison Parade Drainage Outfall and Lower King Road.

#### STRATEGIC IMPLICATIONS

- 12. The City of Albany Local Planning Strategy (ALPS) has identified the subject land as being an ideal location to accommodate a local centre and residential living.
- 13. The City's Retail Development Strategy (March 2005) acknowledges that a local centre will have greater commercial success if it were located with frontage to Lower King Road. The "Liveable Neighbourhoods" (Draft) Operational Policy 2004 document supports this position by stating "Local centres are to be located on busier streets, not hidden away within residential cells".

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.3 continued

14. Whilst the plan accompanying to the IODP demonstrates potential development across the whole area between Lower King and Bayonet Head, it is recognised that changes may occur to the areas to the South of Lots 42 and 47 as a result of detailed environmental evaluations currently being undertaken.

#### COMMENT/DISCUSSION

#### **Definition ODP**

15. An outline development plan is required to provide an <u>overarching</u> development concept for subdivision and development. The concept is required (as per state planning guidelines) to define: a boundary; a vision; objectives; environmental features (e.g., wetlands, hydrology, flora and fauna); heritage values, location and provision of POS, a road network and hierarchy, an indicative lot pattern; and proposed land uses or zones. The IODP satisfies these requirements.

#### **Purpose**

- 16. The purpose of this report is to seek Council's support for the IODP in order to enable the subdivision and development, in the short term for Lot 47 and portion of Lot 42.
- 17. Once environmental investigations have been completed, and EPA clearances issued, a "Final Outline Development Plan" (FODP) can be submitted for adoption over the entire BHODP area. It is this latter plan that will guide the majority of the future development.

#### **Boundary**

18. The IODP encompasses two lots within the area defined by the current BHODP as illustrated in the documentation included within the Elected Members Report / Information Bulletin.

#### **Vision/Objectives**

- 19. The vision of the plan is "To create a fully integrated and desirable residential community whilst achieving high standards in urban design, environmental performance management and sustainability". This is being achieved by:
  - Providing a road layout that reflects principles of the Liveable Neighbourhoods Community Design Code;
  - Providing an appropriate mix of open space;
  - Providing ecological links between areas;
  - Providing a diversity in density and dwelling types;
  - Linking into the existing residential community with minimal impact.

#### **Environmental Features**

- 20. As already mentioned in the background section of this report, a formal assessment in accordance with the *Environmental Protection Act* is not required for Lot 47 and portion of Lot 42. As illustrated in *Figure 6* (see Bulletin attachment), the drainage and wetland areas located within Lots 42 and 47 is to be set-aside for "parks and recreation" purposes to facilitate protection and rehabilitation.
- 21. The balance of the BHODP area (areas not including Lot 47, portion of Lot 42 and the areas already under development) is environmentally constrained and therefore remains the subject of investigation by the Environment Protection Authority (EPA). The IODP can be endorsed to facilitate development of Lots 42 and 47, with the understanding that changes are likely to the balance of the IODP as a result of ongoing investigations.

#### Item 11.3.3 continued

#### **Heritage Values**

22. As already mentioned in paragraph 7 of this report, an aboriginal heritage site has been identified and the Minister for Indigenous Affairs is considering a Section 18 application. The IODP can be endorsed on the understanding that changes may occur to development immediately adjacent to that site; those changes can be effected at the subdivisional stage.

#### Location and Provision of Public Open Space (POS)

23. Around 47ha or 15% of the IODP area is allocated for public open space. This provides for a range of uses including areas of natural bush, active open space and playing fields, a family park and a number of local parks. The details on the actual total area to be provided will be guided in part by the outcomes of the environmental investigations. Final design details will be determined in conjunction with the City of Albany and relevant government agencies.

#### Road network and hierarchy

24. A hierarchy of roads has been illustrated, to provide for direct and logical movement, whilst remaining responsive to landform. The network provides for a range of transport modes with a focus on pedestrian and vehicular access.

#### <u>Indicative lot pattern</u>

25. The lots are orientated either east/west or north/south to accommodate solar efficiency. A base zoning of R25 is proposed with the majority of dwellings being anticipated to be lower density (500-800m²). Higher densities (R40) have been located adjacent to amenities such as the local shopping precinct, schools and areas of public open space (POS). The design has the potential to create a "sense of place" within the suburb, offering diverse and affordable housing.

#### Proposed land uses or zones

- 26. The provision of a small Local Centre on Lower King Road could ultimately provide up to 880m² of retail floor-space, a range of local services such as medical, childcare and community facilities, all based around a central main street.
- 27. Provision has been made for expanded playing areas and improved access to the existing Flinders Park Primary School in the south of the BHODP area, and an additional school in the north. Co-location of schools with POS provides for shared use of facilities, improves usage, security and surveillance and reinforces the role of the schools as community hubs.
- 28. Provision has been made for around 240ha of residential land between Bayonet Head and Lower King, yielding in the order of 2800 dwellings and 8233 persons. Lot 47 and portion of Lot 42 provide for approximately 600 lots.

#### Conclusion

- 29. The main purpose of the "Interim Outline Development Plan" is to facilitate further staged development of Lot 47 and portion of Lot 42, the rationale of which falls in line with the Albany Local Planning Strategy, State Planning Policy (Liveable Neighbourhoods document), contemporary planning principles and the integration of new development with existing urban areas.
- 30. Once the Council supports the IODP, subdivision and development over Lot 47 and portion of Lot 42 may proceed.

#### Item 11.3.3 continued

31. The areas to the south of the IODP are undergoing environmental investigation and will not be supported for subdivision or development until a resolution of the environmental parameters is in place. Only then can a comprehensive review of the BHODP be undertaken.

#### RECOMMENDATION

THAT Council, pursuant to Clause 5.2 of the City of Albany Town Planning Scheme 3 resolves to adopt the Limited Outline Development Plan entitled "Bayonet Head (Oyster Harbour) Interim Revised Outline Development Plan" comprising Lot 47 and portion of Lot 42, Bayonet Head.

Voting Requirement Simple Majority

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### MOVED COUNCILLOR EVANS SECONDED COUNCILLOR WELLINGTON

#### **THAT Council:**

- 1. Pursuant to Clause 5.2 of the City of Albany Town Planning Scheme 3, resolves to adopt the Limited Outline Development Plan entitled "Bayonet Head (Oyster Harbour) Interim Revised Outline Development Plans" comprising Lot 47 and portion of Lot 42, Bayonet Head; and
- 2. Record on its Contaminated Sites Register and its property database, Lot 15 within the Bayonet Head Outline Development Area, based on the advice received from the Department of Environment and Conservation and the Water Corporation.

**CARRIED 12-0** 

#### Reason:

The Department of Environment and Conservation and the Water Corporation have provided specific advice in relation to the future remediation of Lot 15 due to potential contamination. It is important that this information is recorded by Council so that any future owners are notified of the potential contamination and that appropriate remediation conditions are placed on any future development/subdivision proposal.

#### Item 11.3.3 continued

Town Planning Scheme No. 3 - Interim Outline Development Plan Schedule of Submissions

| No | Submitter                                  | (0.5) | Submission  | - 200 | Officer Comment  | Por | Council commendation |
|----|--|-------|---|-------|--|-----|----------------------|
| 1. | Department of<br>Water                     | (a)   | Nil   | (a)   | Nil  | (a) | Noted                |
| 2. | Department for Planning and Infrastructure | (a)   | No objections   | (a)   | Nil  | (a) | Noted                |
|    | Department of Environment and Conservation | (a)   | It is assumed that figures 5 and 6 accompanying the plan document are indicative only and may be changed as additional  | (a)   | The figures are indicative only and minor changes may occur as additional information becomes available.   | (a) | Noted                |
|    |  | (b)   | information becomes available.  The land selected for the primary school may require considerable remediation.  | (b)   | The Water Corporation has indicated that the site is classified as a contaminated site. Prior to development, the site will need to be cleared for contamination.  | (b) | Noted                |
| 3. |  | (c)   | Figures 5 and 6 indicate provision for residential development on Pt Lot 760, the eastern (vegetated) portion of Lot 42, Lots 1, 286 and 476, when it is understood that these areas of native vegetation are subject to further environmental investigation.   | (c)   | Changes can be made pending the outcome of environmental investigations.   | (c) | Noted                |
|    |  | (d)   | Roads shown on Figure 6 do not terminate at the boundary of the residential zoning on Lot 42 but are shown continuing into the bushland on the adjoining Lots 760, 1 and 476, thus pre empting any environmental decisions of outcomes concerning these vegetated areas. It is suggested that figures 5 and 6 should be amended until a final decision is made on the | (d)   | An Outline Development Plan is required (as per the Town Planning Scheme) in order for development to proceed. The main purpose of the plan is to accommodate the development of Lot 47 and portion of Lot 42, which do not have any outstanding environmental concerns. The details of the plan can be changed as additional information becomes available. | (d) | Noted                |

#### Item 11.3.3 continued

| No | Submitter                            | Submission   | Officer Comment  | Council<br>Recommendation |
|----|--------------------------------------|--|--|---------------------------|
|    |                                      | possible development of areas in Bayonet Head that contain substantial tracts of native vegetation.  |  |                           |
| 4. | Fire and Emergency Services          | (a) Nil  | (a) Nil  | (a) Noted                 |
|    | Water<br>Corporation                 | (a) Lot 15 shown in figure 6 is owned by the Water Corporation. The Corporation has a disused package wastewater treatment plant and sewage pump station located on the lot. The Corporation is prepared to sell most of the Lot and retaining an area 50m X 60m (3000m²) in the northeast corner of the Lot for a new pump station. There will be an odour buffer required around the new pump station. | (a) Lot 15 is 60,000m² in area. The area required by the water corporation (3000m²) represents a small proportion of the total. Having spoken with the Water Corporation, the area required for a buffer is approximately 30m radii. Based on these calculations it is fair to say that there is enough land left within Lot 15 to accommodate a school. | (a) Noted                 |
| 5. |                                      | (b) Lot 15 is classed as a contaminated site and any future owner will be required to remediate to acceptable standards.   | (b) This can be dealt with at the amendment and development stage via environmental consultation and remediation.  | (b) Noted                 |
|    |                                      | (c) Easements will be required across the lot for asset protection and to ensure the Corporation have access for pipeline maintenance.   | (c) This can be arranged via notification on title.  | (c) Noted                 |
|    |                                      | (d) Potable water for the proposed development will be supplied from the Corporations Mt Clarence storage complex.   | (d) Nil  | (d) Noted                 |
| 6. | Department of Education and Training | (a) Nil  | (a) Nil  | (a) Noted                 |

### Item 11.3.3 continued

| No | Submitter                                | Submission | Officer Comment | Council Recommendation |  |
|----|--|------------|-----------------|------------------------|--|
| 7. | Telstra Country<br>Wide                  | (a) Nil    | (a) Nil         | (a) Noted              |  |
| 8. | Western Power<br>South Country<br>Branch | (a) Nil    | (a) Nil         | (a) Noted              |  |
| 9. | ALINTA Gas                               | (a) Nil    | (a) Nil         | (a) Noted              |  |

### DEVELOPMENT SERVICES REPORTS

### 11.3.4 Scheme Amendment Request - Lots 873-875 Morris Road and Lots 870, 876 and 877 John Street, Milpara

File/Ward : SAR114 (Kalgan Ward)

Proposal/Issue : Request to rezone Lots 873-875 Morris Road

and Lots 870, 876 and 877 John Street,

Milpara from "Rural" to "Residential"

Subject Land/Locality : Lots 873-875 Morris Road and Lots 870, 876

and 877 John Street, Milpara

Proponent : Harley Survey Group

Owner : Franey Family (including company Hysnex Pty

Ltd) and Desmond Goodfield (Lot 877 John

Street)

Reporting Officer(s) : Planning Officer (L Brown)

Disclosure of Interest : Nil

Previous Reference : Nil

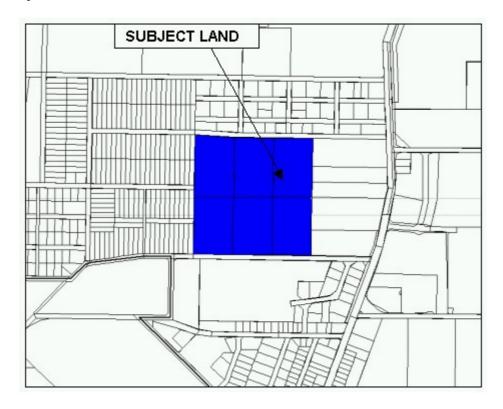
Summary Recommendation : Support the proposal to "Residential

Development" and "Light Industrial

Development"

Bulletin Attachment : Scheme Amendment Request

Locality Plan :



#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.4 continued

#### **BACKGROUND**

- 1. The application received is a "Scheme Amendment Request" (SAR) to rezone Lots 873-875 Morris Road and Lots 870, 876 and 877 John Street, Milpara from the "Rural" zone to "Residential". A copy of the request is included in the Elected Members Report/Information Bulletin.
- 2. The subject lands are 24.28 hectares in area and are located approximately 5.0 km north of the Albany central area. Access to the site will be primarily from Morris Road and John Street, which are both constructed (bitumised). Access may also be available from Rufus Street as part of the future subdivision. The subject site slopes downwards to the northwest and there is some remnant vegetation, mainly contained within Lot 870 John Street.
- 3. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment and Conservation (DEC) and the Water Corporation. No objections were reported however several recommended conditions of support were provided.
- 4. No response has been received from the Water Corporation.

#### STATUTORY REQUIREMENTS

- 5. The subject land parcels form an isolated pocket of "Rural" zoned land in Town Planning Scheme 3 (TPS3). The lots are currently surrounded by residential development to the north and west, a light industrial zone to the east and a general industrial zone to the south which is dissected by a road. The subject land is acting as a natural buffer and transition zone between these various land uses.
- 6. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
- 7. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

#### **POLICY IMPLICATIONS**

- The WAPC Statements of Planning Policy No.s 1 & 3 establish the general 8. principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.
- 9. If residential development was considered acceptable across any portion of this site, the most sustainable form would be "Residential - R20", which is typical of fully serviced residential lots in Albany.
- If light industrial development is considered acceptable, the most important 10. considerations would be the implementation of any DEC buffer policies and the WAPC Policies DC 4.1 and 4.2 on buffers to land uses and transition areas to the existing and proposed residential zone.

#### **DEVELOPMENT SERVICES REPORTS**

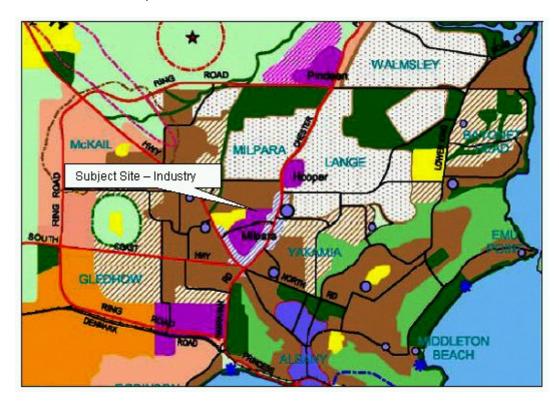
Item 11.3.4 continued

#### FINANCIAL IMPLICATIONS

11. There are no financial implications.

#### STRATEGIC IMPLICATIONS

- 12. The (draft) Albany Local Planning Strategy (ALPS) document identifies the subject site at the interface between "Residential" and "Industry". ALPS acknowledges the importance of the existing Milpara Industrial Area which is in close proximity to the central area and has good access to major roads. The long term land uses identified by ALPS acknowledge the potential need for the future expansion of existing industrial areas.
- 13. The land to the north and west of the subject site is recognized as "existing residential" within ALPS. ALPS has not identified how the abutting zonings and boundaries are to be managed. This SAR allows the examination of management solutions to be explored.



14. The Draft Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses, community development and the consolidation of settlements.

#### **COMMENT/DISCUSSION**

15. Staff consider the proposal for a rezoning to 'residential' will not provide for adequate buffering or transition between the different land uses. A uniform residential zoning over the subject site will see the different land uses directly abut each other, which is likely to facilitate negative impacts and a loss of amenity upon the existing and proposed residential landowners. Additionally, a straight residential zoning will compromise the ability for the industrial area to expand in the future.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.4 continued

- 16. Staff propose a dual zoning of residential development and light industrial to be an appropriate measure of facilitating a transition area from one zone to the other, whilst also ensuring the subject land attempts to reduce the potential for conflict between the residential and light industry land uses.
- 17. A part rezoning to fully serviced "Residential (R20)" will assist in the provision of land, promote sustainable land use and expand the urban fringe of Albany in an orderly manner. The infrastructure necessary for fully serviced development is anticipated to be provided in the future when subdivisions to the north of Henry Street proceed. That infrastructure will be in close proximity to the subject land and it could be extended to the site with relative ease. The proposal would take advantage of existing facilities in the vicinity including North Albany Senior High School, TAFE, Brooks Garden Shopping Centre and the recently approved Orana Shopping Centre development.
- 18. A part rezoning to "Light Industrial" will allow for the long term expansion of the existing industrial areas. The main planning consideration will be the establishment of appropriate buffers between the industry and residential zoned areas so at to reduce any potential impact of the adjoining light industrial estate upon existing and potential residential landowners.
- 19. A transition zone between the residential development and light industrial zones can be achieved with the adoption of land use and setback guidelines within the industrial areas. The ceding of an area of vegetated public open space between the two zonings can also provide additional distance between the zones, whilst assisting with visual amenity.
- 20. The Department of Environment and Conservation (DEC) has advised that the large area of remnant vegetation which is predominately contained within Lot 870 John Street should be subject to a vegetation, flora and fauna survey during the spring flowering season to determine its significance. Following the survey, DEC consider that consideration and preference should be given to retaining as much area of the vegetation as possible, potentially for Public Open Space purposes, that objective could be inconsistent with the concepts outlined in paragraphs 17 to 19.
- 21. The subject site has high soil type capability for residential development.

#### **CONCLUSION**

- 22. The proponent seeks to rezone the subject land to residential. Staff consider that a dual rezoning of residential and industrial development is more appropriate, given the various land uses surrounding the subject lots and the current role the site provides in regards to buffering and transition. Greater preference should be given to industrial needs.
- 23. As the land parcel is of a significant size, and there are vegetation and buffer issues to be resolved, staff support the application to rezone the land to "Residential and Industrial Development" so that structure planning may be undertaken. The structure planning process will allow for a thorough assessment of all of the site issues, will allow for the determination and allocation of the "residential" and "industrial" zonings across the site and produce a subdivision guide plan to inform the amendment and subdivision approval processes.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.4 continued

#### RECOMMENDATION

THAT, subject, but not limited to, the following matters being addressed to the satisfaction of Council:

- i) A detailed land capability assessment;
- ii) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
- iii) An Integrated Stormwater and Nutrient Management Strategy being prepared across the whole site to acknowledge Urban Water Sensitive design principles and inform the subdivision process;
- iv) A technical assessment of the buffer requirements to establish the proposed methods of providing appropriate transition between the residential and the industrial areas.
- v) A vegetation, flora and fauna survey for the subject lots to identify the representativeness and regional context of the vegetation; and
- vi) An indicative structure plan.

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the 'Rural' zone to 'Residential Development' and 'Light Industry Development'.

Voting Requirement Simple Majority

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### MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR EMERY

THAT, subject, but not limited to, the following matters being addressed to the satisfaction of Council:

- i) A detailed land capability assessment;
- ii) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
- iii) An Integrated Stormwater and Nutrient Management Strategy being prepared across the whole site to acknowledge Urban Water Sensitive design principles and inform the subdivision process;
- iv) A technical assessment of the buffer requirements to establish the proposed methods of providing appropriate transition between the residential and the industrial areas.
- v) A vegetation, flora and fauna survey for the subject lots to identify the representativeness and regional context of the vegetation; and
- vi) An indicative structure plan.

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the 'Rural' zone to 'Residential Development' and 'Light Industry Development'.

CARRIED 12-0

#### **DEVELOPMENT SERVICES REPORTS**

#### 11.3.5 Scheme Amendment Request - 104 Henry Street, Warrenup

File/Ward : SAR115 (Kalgan Ward)

Proposal/Issue : Request to rezone Lot 4009 (104) Henry Street

from "Rural" to "Residential" and "Parks &

Recreation"

Subject Land/Locality : Lot 4009 (104) Henry Street, Warrenup

Proponent : Harley Survey Group

**Owner**: E Franey

**Reporting Officer(s)** : Planning Officer (L Brown)

Disclosure of Interest : Nil

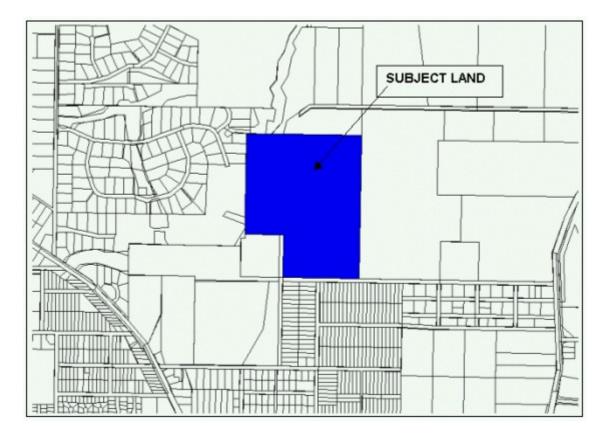
Previous Reference : Nil

Summary Recommendation : Support the proposal to "Residential

Development"

Bulletin Attachment : Scheme Amendment Request

Locality Plan :



#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.5 continued

#### **BACKGROUND**

- 1. The application received is a "Scheme Amendment Request" (SAR) to rezone Lot 4009, 104 Henry Street, Warrenup from the current "Rural" zone to "Residential". A copy of the request is included in the Elected Members Report/Information Bulletin.
- 2. The subject land is 40.6 hectares in area and is located approximately 5.0 km northwest of the Albany central area. Access to the site will be from Henry Street, which is constructed (bitumised) to a rural standard (open drains). The subject site rises to the east and contains a tributary of the Willyung Creek. There are two major clumps of remnant vegetation, one to the west of the creek and the other in the north-east corner of the lot.
- 3. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment (DEC), Department of Water (DOW) and the Water Corporation. No objections were reported, however conditional support was provided.
- 4. No response has been received from the Water Corporation.

#### STATUTORY REQUIREMENTS

- 5. All subject lots are zoned "Rural" in Town Planning Scheme 3 (TPS3). The lot contains a dwelling and adjoins unsewered residential development, to the south, and "Special Residential" to the west. A rezoning to "Residential" is considered to be a more beneficial and appropriate use of the land than a rezoning to "Special Residential".
- 6. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
- 7. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.

#### **POLICY IMPLICATIONS**

- 8. The WAPC Statements of Planning Policy No's 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.
- 9. If residential development was considered acceptable, the most sustainable form would be a mixed density residential development, "Residential R20" is typical of fully serviced residential lots in Albany.

#### FINANCIAL IMPLICATIONS

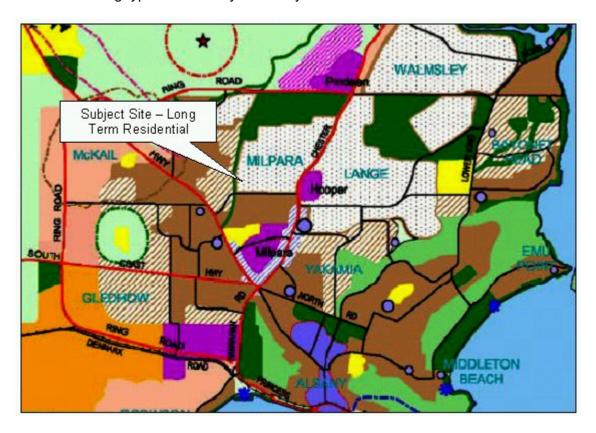
10. There are no financial implications relating to this item.

#### **DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

#### STRATEGIC IMPLICATIONS

11. The (draft) Albany Local Planning Strategy (ALPS) document identifies the subject site as "Long Term Residential". ALPS recognises a shortage of suitable housing for the elderly and smaller households. ALPS promotes urban consolidation, recommends a smaller development footprint and the provision of a variety of housing types for the City of Albany.



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

#### COMMENT/DISCUSSION

#### Proposal Positives

14. A rezoning to accomodate fully serviced "Residential" (R20) lots will assist in the provision of land, promote sustainable land use and expand the urban fringe of Albany in an orderly manner. The infrastructure necessary for fully serviced development is in close proximity and can be extended to the site with relative ease, but at a cost to the developer. The proposal is likely to be supported by existing facilities in the vicinity, including North Albany Senior High School, TAFE, Brooks Garden Shopping Centre and the recently approved Orana Shopping Centre development.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.5 continued

- 15. The request complies with the policy and strategic planning for the area (Long Term Residential). Fully serviced residential development is not expected to impact on the visual amenity or compromise future land use potential of this site or the surrounding area.
- 16. The protection of the Willyung Creek tributary and any significant remnant vegetation can be achieved by determining appropriate buffers and setback areas. The rezoning of the land to "Parks & Recreation", where necessary, can provide a local reserve area that can be enjoyed by the residents of Albany and protect the floodplain.

#### **Negatives**

- The site has two large areas of vegetation. The Department of Environment and Conservation (DEC) has advised that the vegetation to the west of the creek is riparian and should have appropriate measures taken to ensure its protection. DEC is unsure of the exact significance of the large area of vegetation in the northeast corner of the site and recommends that studies be undertaken to determine its value.
- 18. The subject site contains soils of both low and high capability for residential development, a low potential for Acid Sulphate Soils and, in places adjoining the creek, the site is low-lying where there is a risk of inundation/flooding.
- 19. The proposed residential development area is likely to be restricted to the areas of high soil capability; the management of potential Acid Sulphate issues and the investigation of the vegetated areas can be addressed in the formal scheme amendment documentation.

#### Conclusion

20. The proposal seeks to rezone the subject land to a more appropriate land use, which is compatible with the strategic intent for the area. However, the land parcel is of a significant size and there are environmental and infrastructure issues which need to be resolved. Staff support the concept of the land being rezoned to "Residential Development" so that structure planning can be undertaken. The structure planning process will allow for these complex issues to be assessed, determined and resolved prior to the receipt of a subdivision application.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.5 continued

#### RECOMMENDATION

THAT, subject, but not limited to, the following matters being addressed to the satisfaction of Council:

- i) A detailed land capability assessment;
- ii) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
- iii) Commitment to an Integrated stormwater and nutrient management plan being prepared across the whole site prior to subdivision with Urban Water Sensitive design principles adhered to:
- iv) Detailed flooding and drainage assessment prepared in consultation with the Department of Water, and acknowledging the Willyung Creek Flood Study;
- v) A vegetation, flora and fauna survey being undertaken during the spring flowering season to assess the quality and significance of remnant bushland on the subject land;
- vi) An acid sulphate soils site assessment being prepared in accordance with Guidance Statement A1; and
- vii) An indicative structure plan incorporating the preliminary issues and also acknowledging conceptual structure planning over lots to the north, northeast and east being submitted with the scheme amendment documentation for staff consideration.

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the "Rural" zone to "Residential Development".

| Voting Requirement Simple Majority |
|------------------------------------|
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Item 11.3.5 continued

### MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR MARSHALL

THAT, subject, but not limited to, the following matters being addressed to the satisfaction of Council:

- i) A detailed land capability assessment;
- ii) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
- iii) Commitment to an Integrated stormwater and nutrient management plan being prepared across the whole site prior to subdivision with Urban Water Sensitive design principles adhered to;
- iv) Detailed flooding and drainage assessment prepared in consultation with the Department of Water, and acknowledging the Willyung Creek Flood Study;
- v) A vegetation, flora and fauna survey being undertaken during the spring flowering season to assess the quality and significance of remnant bushland on the subject land;
- vi) An acid sulphate soils site assessment being prepared in accordance with Guidance Statement A1; and
- vii) An indicative structure plan incorporating the preliminary issues and also acknowledging conceptual structure planning over lots to the north, northeast and east being submitted with the scheme amendment documentation for staff consideration.

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the "Rural" zone to "Residential Development".

CARRIED 12-0

#### **DEVELOPMENT SERVICES REPORTS**

#### 11.3.6 Scheme Amendment Request - Lot 5498 Terry (previously Hooper) Road, Walmsley

File/Ward : SAR116 (Yakamia Ward)

Proposal/Issue : Request to rezone Lot 5498 Terry Road from

"Rural" to "Residential Development"

Subject Land/Locality: Lot 5498 Terry (previously Hooper) Road,

Walmsley

**Proponent**: Chappel Lambert Everett

Owners : G & S Davies, P List and Cammit Pty Ltd

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

Disclosure of Interest : Nil

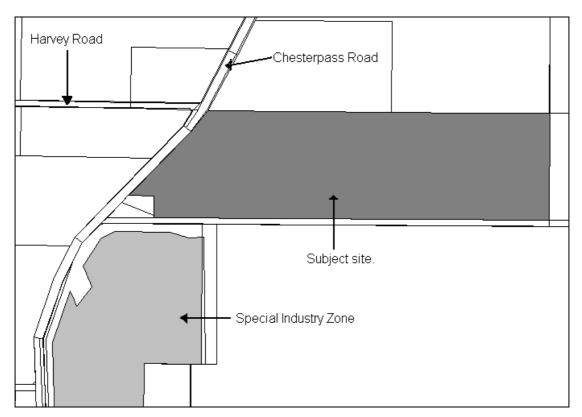
Previous Reference : Nil

Summary Recommendation: Support the proposal to fully serviced

"Residential Development"

**Bulletin Attachment**: Scheme Amendment Request

Locality Plan :



#### Item 11.3.6 continued

#### **BACKGROUND**

- 1. The application received is a "Scheme Amendment Request" (SAR) to rezone Lot 5498 Terry (previously Hooper) Road, Walmsley from the "Rural" zone to the "Residential Development" zone. A copy of the request is included in the Elected Members Report/Information Bulletin.
- 2. The site is 41.85 ha and is located in Walmsley, around 6.0 km from the Albany city centre. The abutting sites are predominantly rural purposes (strawberry farm to the North), although a Special Industry zone with a range of land-uses exists to the south.
- 3. The site has been predominantly cleared for rural purposes and contains a dwelling and outbuildings, several dams and a watercourse. A patch of vegetation remains in the southeast corner.
- 4. The site is undulating, sloping away from Chester Pass Road then elevating gradually back up well above to the height of the road at its eastern boundary. Chester Pass Road and the lot frontage along it, climb gently to the north, though this longitudinal grade varies across the site.
- 5. The site has frontage to both Terry Road (formally Hooper Road) to the south, and Chester Pass Road to the west. Hooper Road is an unsealed road and could be used in the future to connect Chester Pass Road to Lower King Road to the east.
- 6. The SAR was referred to the Department for Planning and Infrastructure (DPI), Main Roads WA, the Department of Environment and Conservation (DEC), the Water Corporation and the Department of Water (DOW). No response has been received from Main Roads WA. The Water Corporation responded with no objection.
- 7. Both the DOW and DEC responded and highlighted the importance of protecting the watercourse located mid-way across the property that drains into a wetland adjacent to the King River and request a management plan for that watercourse. The DOW will also require an overall nutrient and drainage management plan, and the DEC suggests the remnant vegetation in the South East corner be incorporated into Public Open Space.
- 8. The DPI has expressed concerns that the site may be restricted in its use as residential land due to the close location to the existing rural and tourism activities, such as the strawberry farm and winery to the north. Those land uses may need buffers from residential development due to spraying and other farm practices, (and the current industrial zoning to the south). Detailed planning for the area may indicate retention of these rural and tourism assets as the best option.

#### STATUTORY REQUIREMENTS

9. Lot 5498 is zoned "Rural" in Town Planning Scheme 3 (TPS3). The objective of the rural zoning in TPS3 identified under Clause 3.1.13 is:

"To ensure that high quality agricultural land is retained for primary production. To regulate uses which conflict with farming interests, and foster uses which are complimentary to such interests. To preserve rural land within easy reach of urban areas."

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.6 continued

- 10. The area is not identified or used for "high quality agriculture". None the less, a rezoning to "Residential Development" may conflict with farming interests as highlighted by the DPI.
- 11. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
- 12. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

#### **POLICY IMPLICATIONS**

13. The WAPC Statements of Planning Policy No's 1 and 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption. If residential development was considered acceptable, the most sustainable form would be to fully serviced residential (R20), rather than unsewered residential lots.

#### FINANCIAL IMPLICATIONS

14. Residential development will require improvements to supporting infrastructure (e.g. roads and drainage) within the vicinity. The infrastructure planning will be identified at the structure planning stage and extensions and contributions made at the subdivision stage.

#### STRATEGIC IMPLICATIONS

- 15. The (draft) Albany Local Planning Strategy (ALPS) document identifies the subject site as "Long Term Residential" to facilitate fully serviced (sewered) residential development. ALPS requires planning and development of such areas in an efficient and co-ordinated manner as logical extensions of existing settlements that have retail, service and community infrastructure.
- 16. The Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses and buffering of Chester Pass Road.
- 17. Previous Main Roads' recommendations for Chester Pass Road developments have included road upgrading, land acquisitions (10m) for road widening, limiting of access points and the buffering of Chester Pass Road.
- 18. The State Planning Strategy recommends the consolidation of existing housing stock and provision for a variety of housing types available to residents in the City.

#### **COMMENT/DISCUSSION**

#### <u>Proposal</u>

19. The applicant requests the support of the Council to the rezoning of Lot 5498 Terry Road, Walmsley from "Rural" to "Residential Development". The application complies with the strategic intent ("Future Residential") for the area.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.6 continued

#### **Positives**

20. The request complies with the policy and strategic planning for the area (Long Term Residential). The site is predominately cleared, with the exception of small pockets of remnant vegetation. A rezoning to "Residential Development" is not expected to impact on the visual amenity if sufficient boundary buffers are imposed to the Chester Pass Road boundary. The site is approximately 1.5 km from the Catalina neighbourhood centre.

#### **Negatives**

21. The subject area "leapfrogs" the developed urban front and is therefore not within walking distance to community and retail infrastructure, or regional recreational facilities. The area is not at present connected to the Minister's sewer system and the water supply network requires upgrading/extension.

#### Conclusion

- 22. Due to the compatibility of the application with the strategic intent for the area, staff support the application to rezone the land to fully serviced (sewered) "Residential Development".
- 23. Town Planning Scheme 3 requires the preparation of a structure plan for land zoned "Residential Development". The objective of the plan being to illustrate the density of development, the provision of community and service infrastructure (sewer required) and the linkages (e.g. roads and open spaces) to the surrounding areas. On a broader view, Outline Development Planning needs to be undertaken for a much larger area in order to illustrate (infill development; link roads and supporting infrastructure and services) how the site can link up with the urban front and amalgamate with surrounding land.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.6 continued

#### RECOMMENDATION

THAT, subject, but not limited to, the following matters being addressed subject to the satisfaction of Council:

- i) A clearly defined zoning boundary (including the possible inclusion of the two triangular lots to the southwest) being adopted and justified;
- ii) A land capability assessment;
- iii) Outline development planning, in the form of a conceptual district structure plan showing both the land's connection to the existing urban front (including its relationship with Chester Pass Road), and constraints and opportunities including possible surrounding land use conflicts;
- iv) Identification of servicing needs and infrastructure requirements to accommodate future subdivision; and
- v) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to.
- vi) An overall nutrient and drainage management plan being prepared to demonstrate how nutrients and stormwater will be managed on-site.
- vii) A foreshore management plan being prepared to ensure the protection of the existing creek line.
- viii) The remnant vegetation being retained and incorporated into Public Open Space where required.

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 5498 Terry Road, Walmsley from the "Rural" zone to the "Residential Development" zone.

| Voting Requirement Simple Majority |
|------------------------------------|
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Item 11.3.6 continued

### MOVED COUNCILLOR MARSHALL SECONDED COUNCILLOR WALKER

THAT, subject, but not limited to, the following matters being addressed subject to the satisfaction of Council:

- i) A clearly defined zoning boundary (including the possible inclusion of the two triangular lots to the southwest) being adopted and justified;
- ii) A land capability assessment;
- iii) Outline development planning, in the form of a conceptual district structure plan showing both the land's connection to the existing urban front (including its relationship with Chester Pass Road), and constraints and opportunities including possible surrounding land use conflicts;
- iv) Identification of servicing needs and infrastructure requirements to accommodate future subdivision; and
- v) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to.
- vi) An overall nutrient and drainage management plan being prepared to demonstrate how nutrients and stormwater will be managed on-site.
- vii) A foreshore management plan being prepared to ensure the protection of the existing creek line.
- viii) The remnant vegetation being retained and incorporated into Public Open Space where required.

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 5498 Terry Road, Walmsley from the "Rural" zone to the "Residential Development" zone.

CARRIED 12-0

#### **DEVELOPMENT SERVICES REPORTS**

Councillor Paver returned to the meeting at 8.54pm during consideration of Item 11.3.7

#### 11.3.7 Scheme Amendment Request - Lot 422 Affleck Road, Kalgan

File/Ward : SAR117 (Kalgan Ward)

Proposal/Issue : Request to rezone land from "Rural" to "Special

Rural"

Subject Land/Locality : Lot 422 Affleck Road, Kalgan

Proponent : Dykstra Planning

Owner : IL & LR Smith/ME & L Saggars

**Reporting Officer(s)** : Senior Planning Officer (K Hughes)

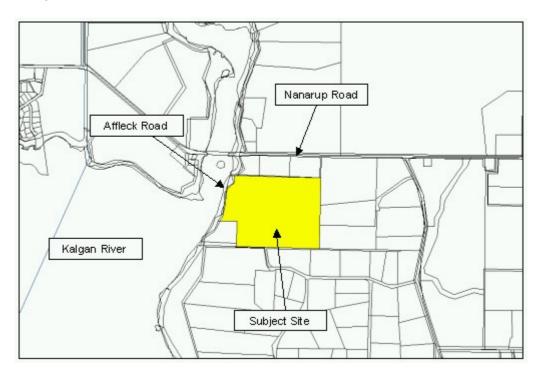
Disclosure of Interest : Nil

Previous Reference : Nil

**Summary Recommendation**: Not support the rezoning to "Special Rural"

Bulletin Attachment : Scheme Amendment Request

Locality Plan :



#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.7 continued

#### **BACKGROUND**

- The application received is a "Scheme Amendment Request" (SAR) to rezone Lot 1. 422 Affleck Road, Kalgan from the "Rural" zone to the "Special Rural" zone. A copy of the request is included in the Elected Members Report/Information Bulletin.
- 2. The property is used as a farm and includes a dwelling and a number of outbuildings. The Kalgan River is located immediately west of the property. There are pockets of remnant vegetation on the land and access is available from Nanarup Road via Affleck Road.
- 3. The SAR was referred to the Department for Planning and Infrastructure (DPI), Water Corporation, Department of Environment and Conservation, the Department of Water and the Department of Health. No response was received from the Department of Health.

#### STATUTORY REQUIREMENTS

- The property in question is currently zoned "Rural" in Town Planning Scheme 3. 4. The purpose of this zoning is "to ensure that high quality agricultural land is retained for primary production".
- 5. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
- 6. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

#### **POLICY IMPLICATIONS**

- 7. One of the key objectives of the Statement of Planning Policy (SPP) No 2.5 "Agriculture and Rural Land Use Planning" is to "discourage land uses unrelated to agriculture from locating on agriculture land".
- 8. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

#### **FINANCIAL IMPLICATIONS**

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

Item 11.3.7 continued

#### STRATEGIC IMPLICATIONS

10. The Draft Albany Local Planning Strategy (ALPS) document provides a guide to strategic decision-making. This document indicates the area in question as being suitable for "Rural Residential". Rural living areas, while offering a lifestyle choice, have the potential to have a negative effect on agricultural production and the natural environment. ALPS recommends the following strategy actions, which should result in the development of the existing zoned rural/residential areas, prior to considering the creation of additional areas:

Development of the existing supply of rural living areas to be the first priority prior to considering the creation of additional areas (**CoA**, WAPC).

Review existing rural living areas to maximise opportunity to achieve higher sustainable lot yields based on land capability/suitability, service provision and local constraints to be the second priority to meet future demands (**CoA**, WAPC)

Determine criteria to determine the need, extent and location of rural living areas within the City of Albany. This to include the impact on existing agricultural land; the landscape; future urban expansion; fire risk; costs of providing and maintaining infrastructure; demand/ supply/ size of lots, availability of existing zoned land and extent of development (**CoA**)

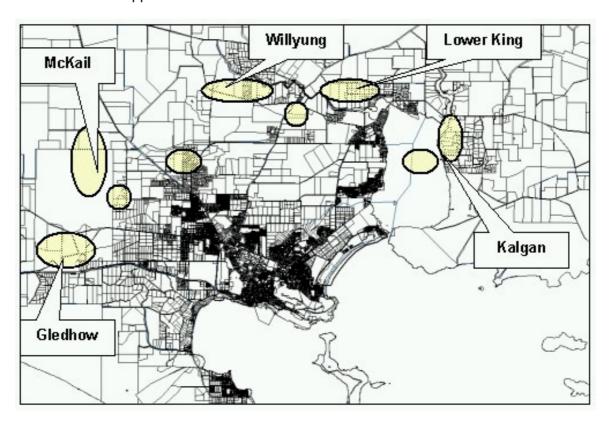
Council staff are currently evaluating submissions on the Draft ALPS following its advertising for public comment. The officers report on the final adoption of ALPS is expected to be presented to Council in July. Some of the submissions, along with the recent Peer Review of the Draft ALPS, have questioned the rationale of having larger lot "Special Rural" developments in strategic locations, without supporting infrastructure, community facilities and local employment opportunities. These proposals have the potential to prejudice Albany's long term urban development options.

- 11. The CoA Rural Planning Issues Review (Landvision, 2002) concluded that there was an over supply of special rural/special residential lots. The Review also found that rural residential subdivision used for speculation can impact on agriculture land values and increase rates.
- 12. Consumer demand is moving away from large lots, which require high amounts of time and cost for maintenance, towards smaller lots close to supporting infrastructure.
- 13. There are existing zoned rural living areas in the locality that have not been developed. Special Rural Zone 9, on the corner of Nanarup Road and Gull Rock Road can produce 60 lots. There are also existing rural living areas being reviewed for smaller lot sizes nearby that will satisfy immediate demand. SAR84 (Special Rural Zone 4A Mead Road) proposes to resubdivide 10 large lots into approximately 40-50 smaller lots connected to reticulated water.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.7 continued

14. The diagram below further illustrates areas (Gledhow, McKail, Millbrook, Lower King and Kalgan) around the perimeter of Albany, which have been zoned for rural/residential living and have not been developed. Currently there are approximately 670 lots or 30% of the total lots within existing "Special Rural" and "Special Residential" zones within Albany's urban fringe that do not have final subdivision approval.



#### COMMENT/DISCUSSION

- 15. The application seeks to rezone a portion of a 40.66 hectare lot in the Kalgan area from the "Rural" zone to "Special Rural", the purpose being to accommodate rural/residential living. The subject land is near an existing Special Rural area.
- 16. Placing rural/residential living on the subject site does not meet the aims and objectives of the ALPS document. The strategic actions outlined in ALPS have not been addressed. Although ALPS indicates the area as being suitable for "Rural Residential", the strategy recommends the development of the existing supply of rural/residential areas as the first priority, prior to considering the creation of additional areas. There is already a large supply of rural/residential zoned land available for development around Albany. In addition this SAR proposes lot sizes much smaller than those in the immediate locality.
- 17. The proposal does not address Statement of Planning Policy 2.5 specifically Section 5.2.3 (Town Planning Scheme Provisions to Avoid Land Use Conflicts) and 5.4.2 (Integration of Land Use Planning, Catchment and Water Resource Management)

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.7 continued

- 18. A number of significant environmental constraints have been identified relating to land capability, waste water disposal, visual amenity, flood levels, proximity to environmentally sensitive waterways and remnant vegetation. These strategic constraints were not identified in the SAR report.
- 19. The proposed access to the site, via an extension of Affleck Road through the existing foreshore reserve, cannot be supported.

#### Conclusion

- 20. The application seeks to align itself with the "broad" strategic planning framework for Albany as defined in the Consultation draft of the Albany Local Planning Strategy. Based on the existing land supply of rural/residential land, staff can see no reason to rezone more land for rural residential living; the arguments contained in the SAR do not change that position.
- 21. The proposal is inconsistent with the overall strategic objective of ALPS for rural living, which is to "ensure that rural living areas are planned and developed in an efficient and coordinated manner as logical extensions of existing settlements that have adequate services and community infrastructure". Council will shortly be required to review a submission on ALPS relating to the locality of the subject site which may require a review of the draft ALPS.
- 22. The proposal is premature, not justified and could prejudice the long term development options beyond the current framework of ALPS.

#### RECOMMENDATION

Council advises that it is not prepared to entertain the submission of a formal application for the rezoning of Lot 422 Affleck Road, Kalgan from the "Rural" zone to the "Special Rural" zone.

Voting Requirement Simple Majority

MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR MARSHALL

THAT Council advises that it is not prepared to entertain the submission of a formal application for the rezoning of Lot 422 Affleck Road, Kalgan from the "Rural" zone to the "Special Rural" zone.

CARRIED 13-0

#### **DEVELOPMENT SERVICES REPORTS**

#### 11.3.8 Scheme Amendment Request - Lot 55 Lancaster Road, McKail

File/Ward : SAR119 (West Ward)

Proposal/Issue : Request to rezone Lot 55 Lancaster Road from

"Rural" to "Residential R20 and Special

Residential"

Subject Land/Locality : Lot 55 Lancaster Road, McKail

**Proponent**: Ayton Taylor Burrell

Owners : Albany Drainage & Construction Pty Ltd

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

Disclosure of Interest : Nil

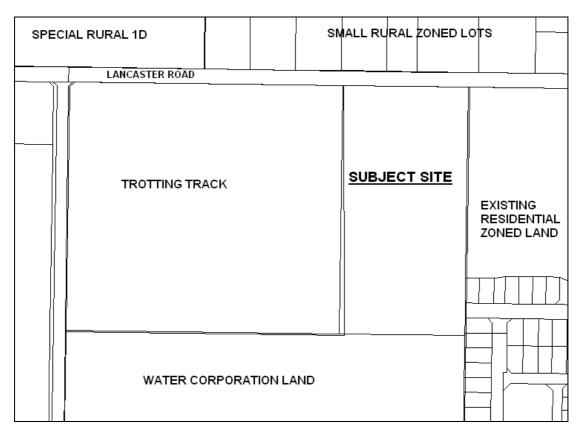
Previous Reference : Nil

Summary Recommendation: Support a proposal to rezone to "Residential

Development", and retain part as "Rural"

**Bulletin Attachment:** : Scheme Amendment Request

Locality Plan :



#### Item 11.3.8 continued

#### **BACKGROUND**

- 1. The application received is a "Scheme Amendment Request" (SAR) to rezone Lot 55 Lancaster Road from "Rural" to "Residential R20 and Special Residential". A copy of the request is included in the Elected Members Report/Information Bulletin.
- 2. The lot in question is a 5.5726 hectare site located in McKail around 6.0 kilometres from the central area of Albany. The lot is currently under pasture with a few scattered trees and a house and shed in the north west corner.
- 3. The existing zoning in the City of Albany Town Planning Scheme No. 3 is "Rural". The proposed zoning is for "Special Residential" in the western portion of the site and "Residential R20" lots in the eastern portion, which would provide an interface with existing 600-750m<sup>2</sup> R20 lots at the edge of "The Sanctuary".
- 4. To the south is rural zoned land which acts as a buffer area for the waste water treatment plant. The required buffer falls short of the trotting track and the subject land.
- 5. To the west, the trotting facility hosts a Harness Racing Club, meeting around ten times in the year, which start in January and conclude at the end of March. Along with the trotting track, the club has developed a restaurant, pavilion, offices and ablution facilities on site. There is also an on-site caretaker's residence and associated buildings.
- 6. The SAR was referred to the Department for Planning and Infrastructure (DPI), the Department of Environment and Conservation (DEC), the Water Corporation and the Department of Water (DOW). No response has been received yet from the DEC. The Water Corporation and DOW have responded with no objections in principle.
- 7. The DPI supports the rezoning of the land for large lots as designated in the indicative structure plan and a small number of fully serviced (sewered) urban residential development lots on the eastern portion of the land, between the eastern boundary and the designated local distributor road/public transport route (as shown in ALPS). The support is subject to the approval of a structure plan (outline development plan) over the land prior to subdivision.

#### STATUTORY REQUIREMENTS

- 8. Lot 55 is zoned "Rural" as defined in Town Planning Scheme 3 (TPS3). The objective of the rural zoning in TPS3 identified under Clause 3.1.13 is:
  - "To ensure that high quality agricultural land is retained for primary production. To regulate uses which conflict with farming interests, and foster uses which are complimentary to such interests. To preserve rural land within easy reach of urban areas."
- 9. The area is not identified or used for "high quality agriculture", therefore a rezoning to "Residential" and "Special Residential" is not expected to conflict with farming interests.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.8 continued

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

#### **POLICY IMPLICATIONS**

12. The WAPC Statements of Planning Policy No's 1 and 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

#### **FINANCIAL IMPLICATIONS**

13. Further residential development will place pressure on the need to improve supporting infrastructure (e.g. roads and drainage) within the vicinity. The identification and planning of that infrastructure will occur at the structure planning stage and the cost of extending that infrastructure will be borne by landowners at the subdivision stage.

#### STRATEGIC IMPLICATIONS

14. Table 3 in Town Planning Scheme 3 (residential design codes density applicable to land within the scheme area) sets out the density required for "Residential" zone land.

| Lots connected to  | R20  |
|--------------------|--|
| sewerage           |  |
| Late not connected | DE aubient to the Country Courses Policy"          |
| Lots not connected | R5 subject to the <i>Country Sewerage Policy</i> " |

- 15. The State Planning Strategy recommends the consolidation of existing housing stock and provision for a variety of housing available to residents in the City.
- 16. The Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of encouraging development around existing nodal settlements and to encourage the provision of adequate and appropriate infrastructure to support development.
- 17. The (draft) Albany Local Planning Strategy (ALPS) document identifies the subject site as "Long Term Residential" to facilitate fully serviced (sewered) residential development. ALPS requires planning and development of such areas in an efficient and co-ordinated manner, as logical extensions of existing settlements that have retail, service and community infrastructure. The rezoning "Residential Development" will ensure structured future planning of the area, including sufficient open space and the provision of fully serviced lots at an acceptable density.

#### **DEVELOPMENT SERVICES REPORTS**

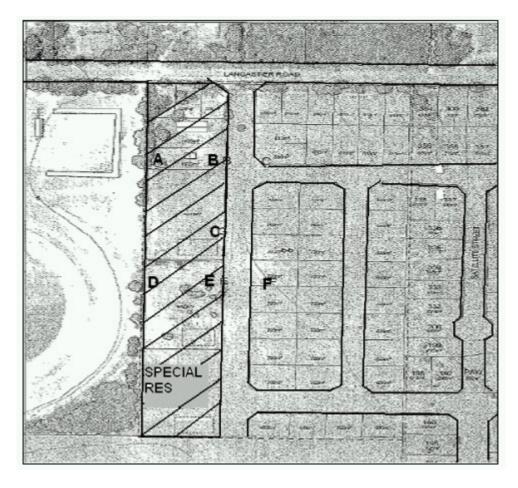
#### Item 11.3.8 continued

18. A buffer around the Timewell Road water treatment plant is indicated within ALPS. The buffer is outside the subject land, which at the nearest point is up to 70 metres from the southwest corner. The site is also noted as being affected by requirements for a noise buffer around the adjacent trotting track, with ALPS calling for noise monitoring to be undertaken, should urban development continue to be initiated around the complex. This has been undertaken and the findings have been attached to the SAR.

#### **COMMENT/DISCUSSION**

#### Proposal

19. The application requests the support of the Council for the rezoning of Lot 55 Lancaster Road from "Rural" to "Residential R20 and Special Residential".



#### **Positives**

- The request complies with the policy and strategic planning for the area (Long Term Residential).
- The site is predominately cleared, with the exception of very small pockets of remnant vegetation.
- A rezoning to "Residential Development" is not expected to impact on the visual amenity due to the relatively level site.
- The proposal of an area to "Special Residential" could be seen as a possible solution to lessening the impact in terms of noise generated from the trotting track.
- The site is approximately 1.5 km from the nearest "Local Shopping" zone (McKail General Store).

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.8 continued

#### Negatives

- A noise assessment conducted by Lloyd Acoustics during a Harness Racing Club meeting indicates that noise emissions at the boundary (Points A and D) exceed the Assigned Levels set out by the EPA.
- At Points B, G and E (50 metres from the boundary) the noise is just compliant with the Regulations. [At these points noise from the water truck was not measured but is likely to be compliant.]
- New dwellings within 50 metres are marginally compliant with the Regulations, but still prone to noise impacts from the trotting track.
- The noise assessment at Point C and F (75 metres from the boundary) showed compliance with the Regulations at all times.
- Light spill may create a nuisance for any residents close to the track, and odour from holding stables may also affect residents close to the track.
- "Special Residential" use is poor use of land, and could have a detrimental impact on the future layout of the area, if the trotting track is relocated in the future.

#### Conclusion

- 20. In accordance with TPS3, a rezoning to "Residential" means that the property may be developed at a density of R5 (2000m² lots) without deep sewer. A rezoning to "Residential Development" means that the preparation of a structure plan is required. Development and subdivision can only occur with the adoption of this plan, with its objective being to illustrate the density of development, the allocation of public open space, the provision of community and service infrastructure (sewer required) and the linkages (e.g. roads and open spaces) to the surrounding areas.
- 21. Due to the compatibility of the application with the strategic intent for the area, and to limit the impact on existing adjacent land uses, staff support the application to rezone part of the land to fully serviced (sewered) "Residential Development". The area shown as "Special Residential" should be retained as "Rural" to ensure a sufficient buffer for the trotting track whilst it remains and operates in that location.

#### Item 11.3.8 continued

#### RECOMMENDATION

THAT subject but not limited to the following matters being addressed subject to the satisfaction of Council:

- i) A clearly defined zoning boundary being adopted and justified;
- ii) A land capability assessment;
- iii) A constraints and opportunities plan, which needs to include possible surrounding land use conflicts;
- iv) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
- v) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to:
- vi) The remnant vegetation being retained where possible; and
- vii) A drainage management plan (including nutrient export).

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 55 Lancaster Road, McKail from the "Rural" to fully serviced (sewered) "Residential Development" and the area shown as "Special Residential" being retained as "Rural".

Voting Requirement Simple Majority

.....

## MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WOLFE

THAT subject but not limited to the following matters being addressed subject to the satisfaction of Council:

- i) A clearly defined zoning boundary being adopted and justified;
- ii) A land capability assessment;
- iii) A constraints and opportunities plan, which needs to include possible surrounding land use conflicts;
- iv) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
- v) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to:
- vi) The remnant vegetation being retained where possible; and
- vii) A drainage management plan (including nutrient export).

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 55 Lancaster Road, McKail from the "Rural" to fully serviced (sewered) "Residential Development" and the area shown as "Special Residential" being retained as "Rural".

CARRIED 13-0

#### **DEVELOPMENT SERVICES REPORTS**

Councillor Lionetti declared a financial interest in Item 11.3.9 and left the meeting at 8.55pm. The nature of Councillor Lionetti's interest is that he owns land in the Central Business District.

Councillor Wellington declared a financial interest in Item 11.3.9 and left the meeting at 8.55pm. The nature of Councillor Wellington's interest is that he owns land in the Central Business District.

## 11.3.9 Initiate Scheme Amendment - Changing the residential density for land in the Central Area

File/Ward : AMD161 (Frederickstown Ward)

Proposal/Issue : Formal request to change the density for land

in the Central Area and adjacent areas from

R30 and R160 to R40, R60 and R-IC

Subject Land/Locality : Central Area of Albany and adjacent areas

Proponent : City of Albany

Owner : Various

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

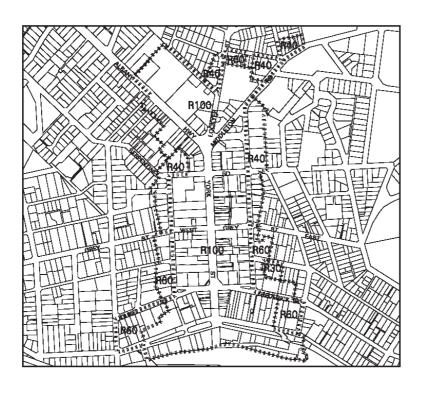
Disclosure of Interest : Nil

Previous Reference : Nil

**Summary Recommendation**: Initiate the amendment to change the density

Bulletin Attachment : Amendment document

Locality Plan :



Item 11.3.9 continued

#### **BACKGROUND**

- 1. The proposed Amendment will recode the Albany Central Area and adjacent areas from R30 and R160 to R40, R60 and R-IC.
- 2. These amendments have derived from a State Administrative Tribunal advice, workshops with key stakeholders and Council review.
- 3. In June 2006, the State Administrative Tribunal (SAT) considered a review of the decision of the City of Albany to refuse a proposed development application in relation to Lots 9 and 12 Earl Street, Albany. The site is zoned Central Area under TPS No. 1A with a residential density code of R160. The proposed development comprised 39 multiple dwellings in a single building, up to six storeys in height. The SAT concluded that: "The application is required to be refused as it does not conform with the Codes in relation to building height. Had it been within the planning discretion of the Tribunal to approve the application, it would have been refused because of the impact on the townscape of Albany." The SAT also made reference to the undesirability of an R160 coding adjoining an R30 coding, and stated that this "is an example of very poor strategic planning, which gives rise to significant practical planning difficulties".
- 4. As a result of the SAT review statements; in September 2006, the City of Albany conducted a workshop of key stakeholders to gain their views on proposed changes to residential density in the Central Area. The participants supported a review of the R Codes as they apply to the Central Area, to reduce expectations for development, and to provide smoother transition between the densities achieved in the Central Area and the adjoining residential areas (R30).
- 5. At its Ordinary Meeting held on 16 January 2007, Council considered a report on the "Content of the Community Planning Scheme (CPS) Guidance on Provisions". In relation to the R Coding of the Albany Central Area, Council resolved that:

"Council requires, as part of the drafting of the City of Albany Community Planning Scheme, the R coding applying to the Regional Centre Zone to be the R-IC Code and that R40 and R60 Codes be introduced for areas adjacent to the Regional Centre zone as shown in Figure 2, plus the areas bounded by Spencer Street/Serpentine Road/Aberdeen Street/Frederick Street and by Collie Street/Grey Street West/Parade Street/Duke Street.; and

That Council staff prepare amending documents for the City of Albany Town Planning Scheme 1A to immediately progress the change in Residential Codes outlined in Resolution 2 above."

#### STATUTORY REQUIREMENTS

- 6. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
- 7. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.9 continued

- 8. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
- 9. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

#### **POLICY IMPLICATIONS**

- 10. There are various policies and strategies that have relevance to the proposal. The most relevant being the:
  - Municipal Heritage Inventory (Objective; protect the character and appearance of a heritage area), Albany Design Guidelines (Objective; to achieve development that conserves, compliments and enhances), Stirling Terrace Design Parameters (Objective; Conserve significant aspect of Stirling Terrace), Central Albany Urban Design Policy (Objective; Reinforce existing townscape) and Residential Design Codes.
- 11. The objectives of the Residential Design Codes are consistent with the listed documents. The codes ensure that the inner-city (R-IC) development, occurs in ways that:
  - are consistent with the density and built form for the predominant development of the locality;
  - contribute positively to the streetscape and street activity of which they are part:
  - are consistent with general car-parking provisions and transport policies for the locality;
  - provide high standards of amenity and on-site facilities for residents;
  - encourage the conversion of existing buildings to residential use;
  - encourage sustainable design principles; and
  - encourage the conservation of heritage buildings and places.

#### FINANCIAL IMPLICATIONS

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

#### **COMMENT/DISCUSSION**

#### Proposal

- 13. The purpose of the amendment is to recode the Albany Central Area and adjacent areas from R30 and R160 to R40, R60 and R-IC to achieve compatible building design throughout.
- 14. The Central Area of Albany is currently coded R160 for residential development under the Residential Planning Codes ("R Codes"). The R160 code allows for a minimum site area per dwelling of 62.5m² and a maximum plot ratio of 2.0. This has the potential to produce building designs that are out of character with existing buildings in the Albany Central Area.

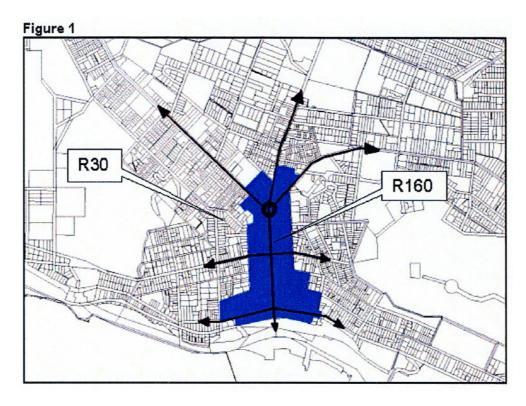
#### **DEVELOPMENT SERVICES REPORTS**

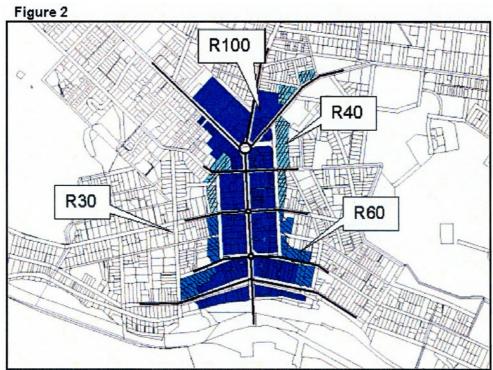
#### Item 11.3.9 continued

- 15. In order to achieve a more compatible building design solution, the site area per dwelling would have to be increased, and the plot ratio reduced. This could be achieved through implementation of the R-IC (Residential Inner City) Code, which requires a minimum site area per dwelling of 110m<sup>2</sup> and a maximum plot ratio of 1.25.
- 16. The changes to the adjacent areas (based on the outcomes of the workshop held in September 2006) provide smoother transition between the densities achieved in the Central Area and the adjoining residential areas (R30). The variations are described as follows:
  - Changing the R160 coding in the Central Area adjacent to York Street, Stirling Terrace and the "top roundabout" to R-IC;
  - Allocating the R40 coding to lots adjacent to Middleton Road, Aberdeen Street (north of Serpentine Road);
  - Changing the coding for lots adjacent to Aberdeen Street, Serpentine Road, Spencer Street and Frederick Street from R30 to R60;
  - Allocating the R60 coding to lots adjacent to Frederick Street, Spencer Street and Stirling Terrace;
  - Allocating the R40 coding to lots adjacent to Collie Street, Duke Street, Parade Street and Serpentine Road; and
  - Allocating the R60 coding to lots adjacent to Stirling Terrace, Duke Street and Parade Street.
- 17. R40 and R60 are considered to be medium density codings, and have been chosen to act as a transition from the higher density (R-IC) in the core area to the abutting lower density (R30) residential areas.
- 18. The proposed R40 areas have been located in the more elevated and visually prominent parts of the Central Area, whilst R60 has been allocated to the lower less exposed lots.
- 19. The proposed R40 and R60 areas currently accommodate diverse land uses such as medical clinics and professional offices. These uses are accommodated in TPS 1A as "Special Additional Uses" in the Residential R30 Zone. If redeveloped, these areas could provide a transitional area of medium density residential. Refer to the maps following for further detail.

#### **DEVELOPMENT SERVICES REPORTS**

Item 11.3.9 continued





<u>Conclusion</u>
The proposed amendment will not change the underlying zoning of the Albany 20. Central area or the adjacent areas included within the amendment. The zoning of these properties will remain as either Central Area or Residential.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.3.9 continued

- 21. The proposed recoding of the Albany Central Area and adjacent areas will facilitate the development of more compatible building designs, in keeping with the character of existing buildings.
- 22. The introduction of the R-IC code will increase the site area per unit and reduce the plot ratio. It will encourage the design of a building with less bulk, thereby creating the potential to maintain view corridors and address solar access principles.
- 23. The introduction of the medium density R40 and R60 codes will serve as a transition area between the higher density under the R-IC code and the existing adjacent residential areas which have a lower density code of R30.

#### RECOMMENDATION

THAT, Council, in pursuance of Section 75 of the Planning and Development Act, resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) recoding the Albany Central Area adjacent to York Street, Stirling Terrace and the "top roundabout" from R160 to R-IC;
- ii) recoding lots adjacent to Middleton Road, Aberdeen Street and north of Serpentine Road from R30 to R40;
- recoding lots adjacent to Aberdeen Street, Serpentine Road, Spencer Street and Frederick Street from R30 to R60:
- iv) recoding lots adjacent to Frederick Street, Spencer Street and Stirling Terrace from R160 to R60;
- v) recoding lots adjacent to Collie Street, Duke Street, Parade Street and Serpentine Road from R30 to R40;
- vi) recoding lots adjacent to Stirling Terrace, Duke Street and Parade Street from R160 to R60; and
- vii) modifying the Scheme Map accordingly.

| Voting Requirement Simple Majority |
|------------------------------------|
| <br>                               |

Item 11.3.9 continued

## MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR EMERY

THAT, Council, in pursuance of Section 75 of the Planning and Development Act, resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) recoding the Albany Central Area adjacent to York Street, Stirling Terrace and the "top roundabout" from R160 to R-IC;
- ii) recoding lots adjacent to Middleton Road, Aberdeen Street and north of Serpentine Road from R30 to R40:
- recoding lots adjacent to Aberdeen Street, Serpentine Road, Spencer Street and Frederick Street from R30 to R60;
- iv) recoding lots adjacent to Frederick Street, Spencer Street and Stirling Terrace from R160 to R60;
- v) recoding lots adjacent to Collie Street, Duke Street, Parade Street and Serpentine Road from R30 to R40;
- vi) recoding lots adjacent to Stirling Terrace, Duke Street and Parade Street from R160 to R60; and
- vii) modifying the Scheme Map accordingly.

CARRIED 11-0

Councillor Wellington returned to the meeting at 8.56pm after consideration of Item 11.3.9

#### **DEVELOPMENT SERVICES REPORTS**

#### 11.3 RESERVES PLANNING

#### 11.4.1 Dedication of Road Reserve - Baker Street, Lower King

File/Ward : A168743 (Kalgan Ward)

Proposal/Issue : Dedication of Road Reserve

Subject Land/Locality : Reserve 32523 Baker Street, Lower King.

**Proponent** : City of Albany

Owner : Crown

**Reporting Officer(s)** : Executive Director Development Services

(R Fenn)

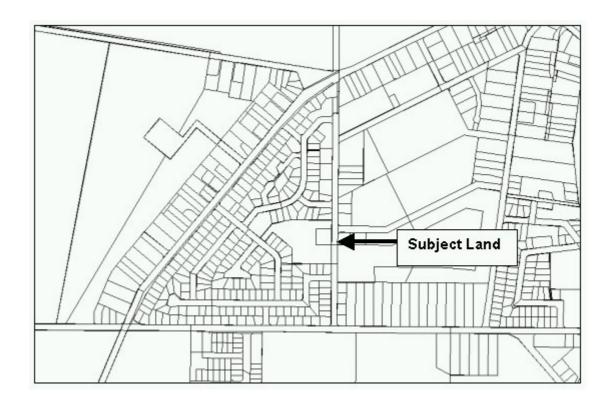
Disclosure of Interest : Nil

Previous Reference : Nil

**Summary Recommendation**: Seek Approval to Dedicate Road Reserve

Bulletin Attachment : Nil

Locality Plan :



#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.4.1 continued

#### **BACKGROUND**

- Subdivision applications have recently been lodged to create residential lots on several larger land parcels located between Baker Street and Francis Street, Lower King. The traffic flows from those subdivisions to schools, shopping and employment facilities is best accommodated by utilising the roads located on the western side of those subdivisions. Baker Street immediately adjoins the western side of the subdivisional area and would form the logical north / south road connection for traffic through Lower King and the subdivision. However, that portion of Baker Street that adjoins Becker Park (Reserve 32523) was previously closed and the former road reserve was incorporated into the reserve. Becker Park has a purpose of "Recreation".
- 2. City staff have looked at a number of road network options to distribute the future traffic from the subdivisions. Francis Street will be required to carry an unreasonable level of traffic if the northern and southern sections of Baker Street cannot be reconnected.

#### STATUTORY REQUIREMENTS

- 3. Pursuant to Sections 51 and 56 of the *Land Administration Act 1997*, Council is required to;
  - resolve to declare a portion of land as a road reserve and to then seek the approval of the Department of Planning and Infrastructure to the dedication of the land for that purpose; and
  - Seek approval to excise the required portion of the reserve for the purpose of creating the road.
- 4. In simple terms, Council is requesting the Crown to change the purpose that a portion of the Crown land can be used for.

#### **POLICY IMPLICATIONS**

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

#### FINANCIAL IMPLICATIONS

6. Where a Local Authority requests the Department to dedicate land as a road, and it is in private ownership, the City is required to indemnify the Department from any future claims for compensation. In this instance the land is held by the Crown and that requirement is avoided.

#### STRATEGIC IMPLICATIONS

7. ALPS promotes urban consolidation within the City to reduce the long term ecological footprint of the City.

#### COMMENT/DISCUSSION

8. The road network within Lower King comprises a number of short north / south streets, with indirect east /west connections to Lower King Road. The lot yield from the proposed subdivision of the land between Baker Street and Francis Street will be considerable, and the connection of the northern and southern sections of Baker Street is required to distribute that traffic onto Elizabeth Street.

#### Item 11.4.1 continued

9. As shown on the following plan, Baker Street was previously a through road. This agenda item seeks to remove the former road reservation from Becker Park.

#### RECOMMENDATION

THAT Council commence the processes, pursuant to Sections 51 and 56 of the Land Administration Act 1997 to dedicate that section of Crown Reserve 32523 shown on City of Albany Plan COA\_BAK\_01 as a public road (Baker Street) with the intention of submitting a formal request to the Department of Planning and Infrastructure to dedicate portion of the reserve as a road.

Voting Requirement Simple Majority

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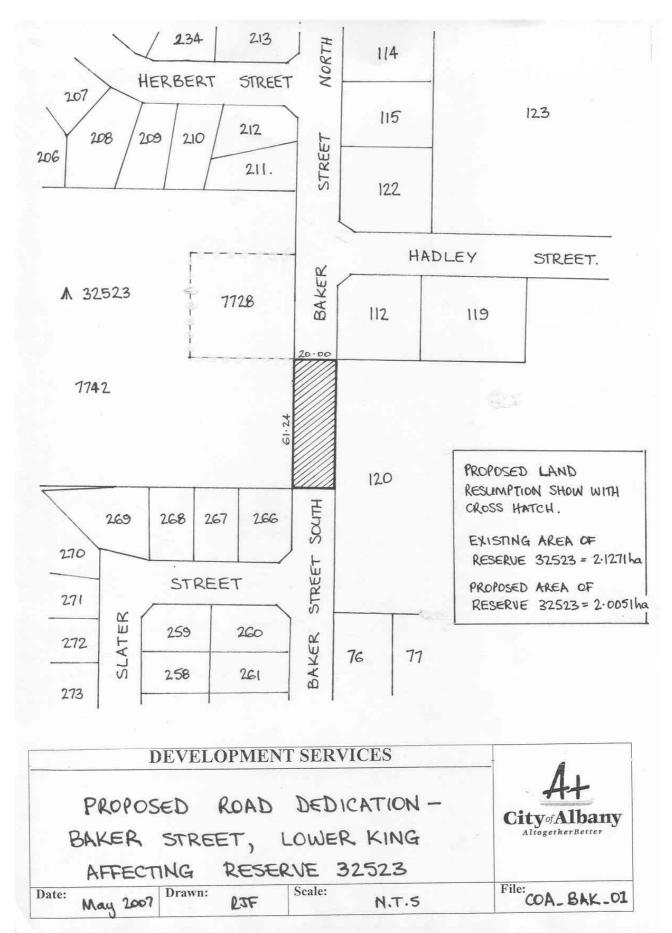
## MOVED COUNCILLOR PAVER SECONDED COUNCILLOR WELLINGTON

THAT Council commence the processes, pursuant to Sections 51 and 56 of the *Land Administration Act 1997* to dedicate that section of Crown Reserve 32523 shown on City of Albany Plan COA\_BAK\_01 as a public road (Baker Street) with the intention of submitting a formal request to the Department of Planning and Infrastructure to dedicate portion of the reserve as a road.

CARRIED 12-0

#### **DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued



#### DEVELOPMENT SERVICES REPORTS

Councillor Lionetti returned to the meeting at 8.58pm during consideration of Item 11.4.2

#### 11.4.2 Dedication of Road Reserve - Wellington Street, Centennial Park

File/Ward : A93243 (Frederickstown Ward)

Proposal/Issue : Dedication of Road Reserve

Subject Land/Locality : Reserve 5163 Wellington Street, Centennial

Park

Proponent : City of Albany

Owner : Crown

Reporting Officer(s) : Executive Director Development Services

(R Fenn)

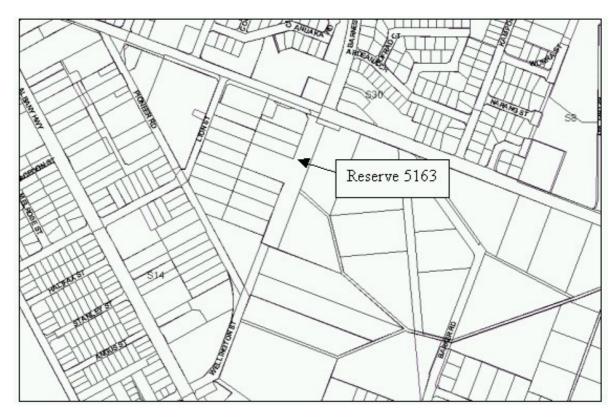
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Seek Approval to Dedicate Road Reserve

Bulletin Attachment : Nil

Locality Plan :



Item 11.4.2 continued

#### **BACKGROUND**

- 1. Council owns, in fee simple, six (6) lots in Centennial Park which currently do not have a legal road frontage. Along the eastern boundary of the lots is a strip of Crown land that appears to have previously been a road reservation (portion of Wellington Street). That portion of Wellington Street (see locality plan) appears to have been closed in the past, with the land contained within the road incorporated into the adjoining Crown Reserve 5163. That Reserve has a purpose of "Recreation".
- 2. The development of the six freehold titles is severely restricted without those lots having either a legal or a physical road frontage.

#### STATUTORY REQUIREMENTS

- 3. Pursuant to Sections 51 and 56 of the *Land Administration Act 1997*, Council is required to resolve to declare a portion of land as a road reserve and to then seek the approval of the Department of Planning and Infrastructure to the dedication of the land for that purpose. In simple terms, Council is requesting the Crown to change the purpose that a portion of the Crown land can be used for.
- 4. The procedural steps to remove the six lots from a "Parks and Reserves" Reservation in Scheme 1A, and to rezone the land to "Residential", have been completed. The City is currently waiting upon the Minister for Planning and Infrastructure to complete the process by the publication of a gazette notice.

#### **POLICY IMPLICATIONS**

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

#### FINANCIAL IMPLICATIONS

6. Where a Local Authority requests the Department to dedicate land as a road, and it is in private ownership, the City is required to indemnify the Department from any future claims for compensation. In this instance the majority of the land is held by the Crown and the small section of Lot Sub 302 required for road purposes is owned by the City.

#### STRATEGIC IMPLICATIONS

7. ALPS promotes the expansion of residential housing types within the City and urban consolidation to reduce the ecological footprint of the City.

#### **COMMENT/DISCUSSION**

8. There are currently six (6) freehold titles in existence that do not have either physical or legal road frontage. The section of Wellington Street that provided those titles with frontage in the past appears to have been closed without giving recognition to the access requirements of the properties adjoining that road. This agenda item seeks to re-address that anomaly and to provide the opportunity for each of the lots to be developed for residential purposes.

#### Item 11.4.2 continued

9. It is not suggested that the Wellington Street road reservation be extended to North Road as the connection of the Wellington Street road pavement onto North Road, on its current alignment, would create a traffic hazard and exacerbate an existing accident black spot. Portion of Sub Lot 302 will also be required to be dedicated as a road to provide a suitable area for traffic turning.

#### RECOMMENDATION

THAT Council commence the processes, pursuant to Sections 51 and 56 of the Land Administration Act 1997 to dedicate that section of Crown Reserve 5163 and portion of Lot Sub 302, shown on City of Albany Plan "COA\_Well\_01", as a public road (Wellington Street) with the intention of submitting a formal request to the Department of Planning and Infrastructure to dedicate the reserve and portion of Lot 302 as a road.

Voting Requirement Simple Majority

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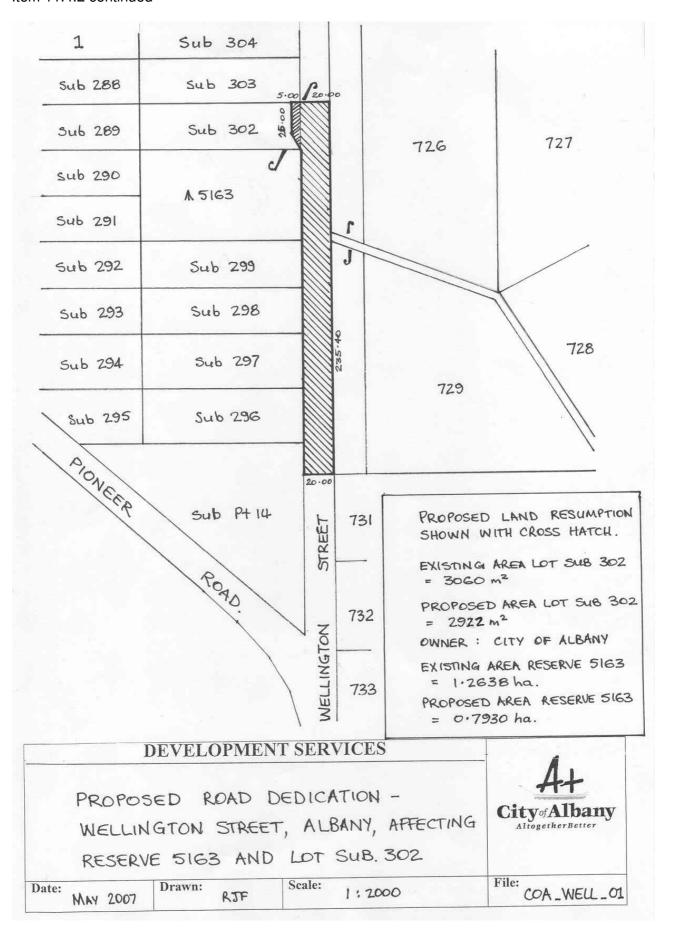
## MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR MARSHALL

THAT Council commence the processes, pursuant to Sections 51 and 56 of the *Land Administration Act 1997* to dedicate that section of Crown Reserve 5163 and portion of Lot Sub 302, shown on City of Albany Plan "COA\_Well\_01", as a public road (Wellington Street) with the intention of submitting a formal request to the Department of Planning and Infrastructure to dedicate the reserve and portion of Lot 302 as a road.

**CARRIED 13-0** 

#### **DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued



#### DEVELOPMENT SERVICES REPORTS

Councillor Walker declared an impartiality interest in Item 11.4.3, as he is a member of the Baptist Church.

#### 11.4.3 Road Dedication - Conversion of Private Roads to Public Roads - Yakamia

File/Ward : SER141 (Yakamia Ward)

Proposal/Issue : Request to dedicate existing private roads as

public roads

Subject Land/Locality : Butts Road and Galle Street, Yakamia

**Proponent**: John Kinnear and Associates

Owner : Baptist Union of WA Incorporated

**Reporting Officer(s)** : Planning Officer (L Brown)

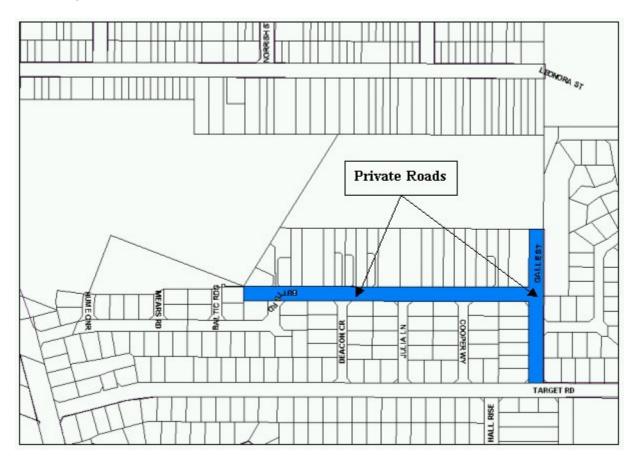
Disclosure of Interest : Nil

Previous Reference : Nil

**Summary Recommendation**: To support the request

Bulletin Attachment : Nil

Locality Plan :



#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.4.3 continued

#### **BACKGROUND**

- 1. Council has received a request from John Kinnear and Associates to dedicate two exiting private roads "Butts Road" and Galle Street" as public roads. The change in the status of these roads will formalise vehicular access for twenty-six (26) existing lots on Butts Road and will assist with vehicular access from Galle Street to fourty-seven (47) lots that are to be created as part of the future subdivisions over lots 400 and 322 which lie to the north of Butts Road and east of Galle Street. This subdivision has been supported by the City of Albany.
- 2. The Western Australian Planning Commission granted subdivision approval for the fourty-seven (47) lot subdivision on 30 October 2006 (reference number 130884 plan shown attached). The plan shows the subdivision relying on access from Galle Street. The subdivider is required to implement appropriate traffic and signage treatment at this intersection as a condition of the WAPC approval.
- 3. The proponent has advised that prior to lodging a formal application to the Department of Planning and Infrastructure for the public dedication of the roads, Council's support (via a Council resolution) is required.

#### STATUTORY REQUIREMENTS

4. Under Section 56 of the *Land Administration Act 1997*, a resolution of Council supporting the dedication is required prior to the land being dedicated as a public road.

#### **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...

#### "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."

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.4.3 continued

#### **COMMENT/DISCUSSION**

8. The dedication of Butts Road and Galle Street to public roads will require the City of Albany to take on a management and maintenance role as per any other public road within the municipality. This is a road that should have been declared public in the past and the dedication of these roads to 'public' will now formalise the matter.

#### RECOMMENDATION

#### THAT Council resolves to:

- support the dedication of the existing private roads "Butts Road" and "Galle i) Street" as "Public Roads" pursuant to Section 56 of the Land Administration
- ii) advise the proponent and the Department of Planning & Infrastructure of Council's resolution.

Voting Requirement Simple Majority

.....

#### **MOVED COUNCILLOR WOLFE** SECONDED COUNCILLOR WELLINGTON

#### **THAT Council resolves to:**

- i) support the dedication of the existing private roads "Butts Road" and "Galle Street" as "Public Roads" pursuant to Section 56 of the Land Administration Act 1997; and
- advise the proponent and the Department of Planning & Infrastructure ii) of Council's resolution.

CARRIED 13-0

#### **DEVELOPMENT SERVICES REPORTS**

#### 11.4 EMERGENCY MANAGEMENT

#### 11.5.1 Reallocation of Finances - Goode Beach Fire Station

File/Ward : REL079 (Vancouver Ward)

Proposal/Issue : Reallocation of funds to construct fire station at

Goode Beach

Subject Land/Locality : Torndirrup National Park, Goode Beach

Proponent : N/A

Owner : City of Albany

**Reporting Officer(s)** : Emergency Management Coordinator (S Gray)

Disclosure of Interest : Nil

Previous Reference : OCM 21/02/06 - Item 11.1.1

OCM 16/05/06 - Item 11.1.2

Summary Recommendation : Support Reallocation of Funds

Bulletin Attachment : Nil

Locality Plan : N/A

#### **BACKGROUND**

- 1. Just under a half of the City's budget in 2006/07 for "emergency response" has been required despite a busy fire season.
- 2. Consultation has been undertaken with the Department of Environment and Conservation (DEC), South Coast Volunteer Bush Fire Brigade, and Frenchman Bay Association with agreement reached to the construction of a fire shed on a site adjacent to Austin Road, below the Goode Beach water tank.
- 3. Agreement has finally been reached between the City of Albany and DEC to lease a section of the Torndirrup National Park for the purpose of constructing a single bay fire station.
- 4. Current estimates for the construction of the fire shed are approximately \$20,000.

#### STATUTORY REQUIREMENTS

- 5. Section 6.8 of the *Local Government Act 1995* states;
  - "A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
  - a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - b) is authorised in advance by resolution; or
  - c) is authorised in advance by the mayor or president in an emergency."

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.5.1 continued

Section 6.11 of the *Local Government Act 1995* states;

"Subject to subsection (3), before a local government –

- (a) changes \* the purpose of a reserve account; or
- (b) uses\* the money in a reserve account for another purpose,

it must give one month's local public notice of the proposed change of purpose or proposed use.

\*Absolute majority required."

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

- 7. Council provided a budget allocation of \$35,000 towards emergency response and the total expenditure to date is \$17,363. The initial budget figure has reflected the level of expenditure required in previous years to hire equipment, cover the costs incurred in emergency response and for recovery management following any emergency. During any year, the budget can be overspent or under-utilised, depending on factors such as weather, severe storms or floods, the presence of arsonists, community awareness of fire and emergency events. Although the season had a number of large fires, the majority were funded out of the Emergency Services Levy as well as this account. The risk of fire for the remainder of the financial year is low.
- 8. In February 2006, Council agreed to fund this project (\$15,000) from the Albany Airport Reserve. The fire shed at the airport was relocated using funds from the 2005/06 municipal budget. Construction of a single bay fire station, with appropriate site works, is now estimated to cost approximately \$20,000.

#### STRATEGIC IMPLICATIONS

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

#### "Community Vision:

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

Excellent community infrastructure and services.

#### Mission Statement:

The City of Albany is committed to ...

- Providing sound governance; and
- Delivering excellent community services.

#### **Priority Projects:**

- Public Safety Base emergency management upon national protocols; and
- Public Safety Implement recommendations of Fire Prevention Plan."

#### Item 11.5.1 continued

#### **COMMENT/DISCUSSION**

- 10. The current program adopted by FESA for fire appliance replacement / refurbishment is outstripping the available funding and few of the recent local government submissions for ESL funding to construct fire stations have been accepted; FESA is concentrating all available capital funds to the delivery of fire appliances and that trend is anticipated to continue in future budgets.
- 11. To support the "risk to resource" requirements for fire equipment in the City, the South Coast Volunteer Bush Fire Brigade wishes to house one of its larger fire fighting appliances at Goode Beach and transfer the fast attack to Little Grove where it can be utilised more efficiently. Also, the current unit is located some distance from where the volunteer fire fighters live, resulting in valuable time being lost in mobilising the unit during an emergency. The construction of the South Coast VBFB's additional fire station at Goode Beach will improve fire service to the area.
- 12. It is recommended that funding for this project be met primarily from Municipal Funds with the balance (\$3,000) from the Airport Reserve.

#### RECOMMENDATION

#### THAT Council:

- a) pursuant to Section 6.8 of the *Local Government Act 1995*, re-allocate from account "108520 Emergency Response" the sum of \$17,000 to be applied to the purchase of the Goode Beach Fire Station (\$20,000), with the balance of \$3,000 from the Airport Reserve.
- b) pursuant to Section 6.11 of the *Local Government Act 1995, a*dvertise the use of money from the Airport Reserve for the purpose of the Goode Beach Fire Station.

Voting Requirement Absolute Majority

## MOVED COUNCILLOR PAVER SECONDED COUNCILLOR MARSHALL

#### **THAT Council:**

- a) pursuant to Section 6.8 of the *Local Government Act 1995*, re-allocate from account "108520 Emergency Response" the sum of \$17,000 to be applied to the purchase of the Goode Beach Fire Station (\$20,000), with the balance of \$3,000 from the Airport Reserve.
- b) pursuant to Section 6.11 of the *Local Government Act 1995, a*dvertise the use of money from the Airport Reserve for the purpose of the Goode Beach Fire Station.

CARRIED 13-0 ABSOLUTE MAJORITY

#### **DEVELOPMENT SERVICES REPORTS**

#### 11.5.2 Local Law - Burning Rubbish, Refuse or Other Material

File/Ward : REL084 (All Wards)

Proposal/Issue : Legislation Pertaining to Burning Rubbish,

Refuse or Other Material

Subject Land/Locality : N/A

Proponent : City of Albany

Owner : N/A

**Reporting Officer(s)**: Emergency Management Coordinator (S Gray)

& Executive Director Development Services

(R Fenn)

Disclosure of Interest : Nil

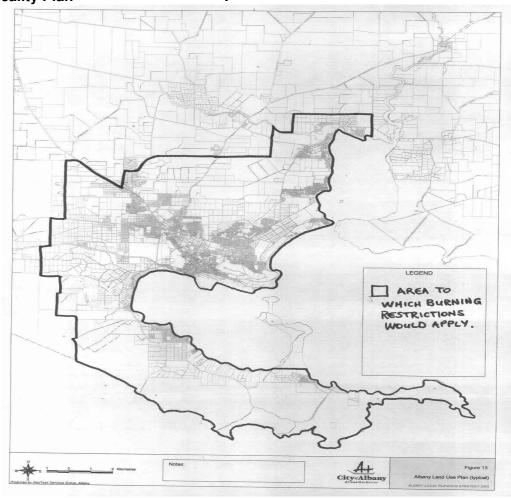
Previous Reference : OCM 19/07/05 - Item 11.2.1

Summary Recommendation : Seek Declaration Relating to Restricted

Burning Period for Part of District

Bulletin Attachment : Nil

Locality Plan :



#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.5.2 continued

#### **BACKGROUND**

- 1. The removal of green waste on small residential and semi rural lots has historically happened by setting fire to raked heaps of vegetation. The protection of urban reserves and vacant blocks from bushfires has also usually occurred by the process of burning undergrowth on vegetated land. During the same period, the incidence of asthma and other respiratory ailments amongst the populus has risen in Western Australia, and for some individuals, smoke and pollen can trigger severe (in some instances life threatening) attacks.
- Over several years, Council staff and Councillors received complaints regarding the burning of windrows resulting from land development; the burning of smaller heaps of green waste in the rear yards of residential properties also resulted in complaints from neighbours. Windrows and green waste were often left to smoulder for days on end, to the annoyance of neighbours. In response to an incident adjacent to North Road, Yakamia in 2005, Council instructed staff to prepare a Local Law to prevent open air burning.
- 3. During the same period, many residents rely upon wood heaters to provide the principal form of heat to their residence during the winter, with those heaters operating around the clock. The State Government prepared Regulations, under the Environmental Protection Act, to control the moisture content within wood that is sold for slow combustion heaters, in an attempt to reduce smoke and pollution from household heaters.

#### STATUTORY REQUIREMENTS

4. In 2001, Council passed the City of Albany Health Local Laws (2001), which contains the following sections that directly relate to this issue:

#### <u>Interpretation</u>

"4.2.1 In this division, unless the context otherwise requires "rubbish or refuse" includes any filth, dirt, ashes, vegetation, garden refuse,
waste material, waste food, sludge, offensive matter, cinders, wood or metal
shavings and sawdust but does not include liquid waste or liquid refuse;

#### Burning Rubbish or Refuse

- 4.2.10 (1) A person shall not -
  - (a) without the approval of the Council; and
  - (b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either
    - (i) in any incinerator; or
    - (ii) on the ground.
  - (2) Subject to subsection (3), an approval of the Council is issued subject to the following conditions -
    - (a) the material to be burnt -
      - (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and
  - (i) is of such quantity, or of such a nature, as to be unsuitable for removal by the Council's refuse collection service;

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.5.2 continued

- (b) there is no other appropriate means of disposal;
- (c) burning shall not take place -
  - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
  - (ii) where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;
- (d) an incinerator must meet the standards specified by Council; and
- (e) an incinerator unit used for fire must be located -
  - (i) at least 2 metres from a fence, building or inflammable matter; and
  - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to the provisions of the Bush Fires Act, the Council may grant approval to clear by burning fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation."

#### Escape of Smoke etc

- "5.1.3 (1) Subject to subsection (2), an owner or occupier shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such nature as to cause or to be a nuisance.
  - (2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house."
- 5. The *Local Government Act 1995* at Section 3.5 provides that a Local Authority may make Local Laws and the Act sets out the matters to which a Local Law may apply.
- 6. The Bush Fires Act 1954, at Sections 24 and 25 states that;

"24G. Minister or local government may further restrict burning of garden refuse:

- (1) On the recommendation of the Chief Executive Officer the Minister may, by notice published in the Gazette, prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under section 24F.
- (2) A local government may, by notice published in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F.
- (3) A person must not burn garden refuse contrary to a prohibition or restriction imposed under this section.

Penalty: \$3 000.

- 25. No fire to be lit in open air unless certain precautions taken
- (1) Subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open air for a purpose not specifically mentioned or provided for in this Act

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.5.2 continued

#### **POLICY IMPLICATIONS**

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

#### FINANCIAL IMPLICATIONS

- 8. The introduction of subordinate legislation brings with it an obligation to police breaches of that legislation. The lighting of fires in back yards often occurs during the evening, or on weekends, when Council Staff are not on "call out", other than for emergency situations. Substantial costs may be incurred if a blanket enforcement of illegal back yard burning is to take place, given some fires are only alight for short periods.
- 9. Council acknowledged in 2005 that imposing restrictions on the disposal of larger quantities of leaf matter and cuttings on larger residential lots, by burning, may result in either additional green waste collection services being demanded or the unwanted material being disposed of within Council reserves. The Executive Director of Works and Services has examined the frequency of those services, with a fortnightly green waste pickup service coming at a considerable cost.

#### STRATEGIC IMPLICATIONS

10. 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**

11. The Health Local Law adopted by the City is a "model Local Law" used by most Local Authorities in the State. The Local Law seeks to control and regulate "public health" matters, including the impact of potential pollutants on personal health. The simple process of preparing a Local Law does not ensure that Council can deliver an effective prosecution process. Landowners can lodge applications for approval to burn refuse and that application must be given due consideration. Also, a neighbour can burn material in an "incinerator", notwithstanding that staff have been unable to secure from any agency in Australia a specification for a domestic incinerator.

#### **DEVELOPMENT SERVICES REPORTS**

#### Item 11.5.2 continued

- 12. Using the Health Local Law to prosecute a landowner for open air burning is problematic, as Council is required to take the landowner to court, a process that occurs several months after the event. In all probability, Council would be required to prove to the Court that the smoke incident is linked to health issues (not just a general nuisance) and this may be problematic, particularly if the neighbours do not suffer respiratory problems. In addition to the high costs involved in bringing the matter before the Court, the possibility of any substantial punitive action being imposed is also remote. Reliance upon the current City of Albany Health Local Law, to respond quickly to smoke nuisances, is not considered a practical solution.
- 13. Staff attempted to action Council's earlier resolution and were concerned that the solution being promoted would prove ineffectual. Staff have been unable to locate another Health Local Law that provides a more responsive solution for Council. Any attempt to undertake a "one off strengthening" of the model Local Law provisions may also not be possible, given the level of scrutiny that Local Laws are subjected to
- 14. The prohibition on burning of refuse (Section 24) in the open upon a property needs to be universally applied if there is to be public acceptance of that restriction. Currently the Bush Fires Act (1954) prohibits an open fire (Section 25) during certain times of the year and that Act allows for an immediate punitive action (a \$500 on the spot penalty or \$3,000 if placed before the Court) and the capacity for authorised officers to immediately extinguish the fire.
- 15. Pursuant to Section 24G of the Bush Fires Act (1954), Council issues an annual bush fire notice that states:
  - "All land owners and/or occupiers are advised that pursuant to Section 24G(2) of the Bush Fires Act 1954 the City of Albany prohibits the burning of all garden refuse in the South West Sector and the Gazetted Fire District during the restricted burning period, except with a permit, and the prohibited burning period".
- 16. During the prohibited and restricted burning times (9th November to 30th April each year) Council has a more rigorous control mechanism in place to control the burning of "garden refuse". Unfortunately, the current restrictions under the Bush Fires Act do not provide an effective solution to regulating open air burning during the wetter months of the year, when the capacity for smoke to "linger" in more prevalent. Also, burning stockpiled timber does not easily fall within the definition of "garden refuse" under the Act.
- 17. Staff have attempted to gain a definitive answer from the Fire and Emergency Services Authority on the capacity of the City to declare a certain part of the District (the peri-urban area identified in the locality plan) as either;
  - a) a Prohibited Burning Period for the entire year under the *Bush Fires Act* 1954; or
  - b) having a Prohibited Burning Period from the 22<sup>nd</sup> December to the 15<sup>th</sup> March and a Restricted Period from the 16<sup>th</sup> March to the 21<sup>st</sup> December.

#### Item 11.5.2 continued

- 18. Option (b) above would allow preventative burning, under permit conditions, to occur on larger peri urban blocks during autumn, winter and spring. Failure to gain the required permit would place the landowner in contravention of the City's bush fire notice and the City's volunteer bush fire officers would provide the immediate response network in lieu of City staff. Under option (a), control burning on areas such as Mt Clarence and Mt Melville would become a prohibited activity and Council's actions would add to the fire risk on adjoining properties.
- 19. After considerable research on the available options, staff cannot provide Council with an unequivocal path to pursue. The advice received indicates that the option outlined in paragraph 17(b) is legal but it has not previously been promoted by a Local Authority. The following recommendation would allow that option to be explored and for this matter to progress.

#### RECOMMENDATION

THAT Council resolves to request the Minister for Fire and Emergency Services to declare the following portions of the City of Albany as having a Prohibited Burning Period from the 22<sup>nd</sup> December to the 15<sup>th</sup> March and a Restricted Period from the 16<sup>th</sup> March to the 21<sup>st</sup> December, pursuant to Section 24G of the *Bush Fires Act* (1954);

- The Fire and Emergency Services Authority Gazetted Fire District; and
- The defined localities of Lower King, Bayonet Head, Warrenup, Lange, McKail, Kalgan Heights, Little Grove, Mt Elphinstone, Robinson, Torndirrup, Walmsley, Gledhow, Big Grove and Goode Beach.

Voting Requirement Simple Majority

## MOVED COUNCILLOR EVANS SECONDED COUNCILLOR MARSHALL

#### **THAT Council resolves to:**

- 1. Request the Minister for Fire and Emergency Services to declare The Fire and Emergency Services Authority Gazetted Fire District and the defined localities of Lower King, Bayonet Head, Warrenup, Lange, McKail, Kalgan Heights, Little Grove, Mt Elphinstone, Robinson, Torndirrup, Walmsley, Gledhow, Big Grove and Goode Beach of the City of Albany as having a Prohibited Burning Period from the 22<sup>nd</sup> December to the 15<sup>th</sup> March and a Restricted Period from the 16<sup>th</sup> March to the 21<sup>st</sup> December, to allow Council the ability to issue infringements to owners who light fires without permits, pursuant to Section 24G of the *Bush Fires Act* (1954);
- 2. Exempt barbeques, solid fuel water heaters, space heaters and ovens fired with dry paper, wood, synthetic char or charcoal type fuel in accordance with the Bush Fires Act 1954; and

#### Item 11.5.2 continued

 Undertake a comprehensive education campaign on the basis of the Minister supporting Council's request, including a media release and ongoing advertising, information being placed on the City's website and individual letters, to ensure there is a sufficient understanding of the new restrictions relating to the burning of waste.

CARRIED 13-0

#### Reason:

It is important that the public understand Council's actions will result in restrictions on burning waste in urban and semi-urban areas of Albany prior to enforcement under the Bushfires Act being undertaken by City staff.

#### 11.6 DEVELOPMENT SERVICE COMMITTEES

#### 11.6.1 Bushcarers Advisory Committee Minutes - 23 March 2007

File/Ward : MAN121 (All Wards)

**Proposal/Issue** : Committee Items for Council Consideration

**Reporting Officer**: Reserves Officer (A Bishop)

Summary Recommendation : That the minutes of the Bushcarers Advisory

Committee meeting held on 23 March 2007 be

received.

**Bulletin Attachment**: Minutes of the Bushcarers Advisory Committee

meeting held on 23 March 2007.

#### RECOMMENDATION

That the minutes of the Bushcarers Advisory Committee meetings held on 23 March 2007 be received (copy of the minutes are in the Elected Members Report / Information Bulletin), and the following recommendations be adopted:

- Item 6.4 Bayonet Head
   Priority for City of Albany to remove Sydney Wattle from reserve south side of Bayonet Head Road at rear of Oyster Harbour Shopping Centre.
- ii. Item 6.5 Dieback Mapping
  Encourage Council to implement and promote a certification program to
  ensure weed and dieback transmission in road and site fill materials is
  regulated throughout the district to reduce environmental risk.

Voting Requirement Simple Majority

MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WALKER

That the minutes of the Bushcarers Advisory Committee meetings held on 23 March 2007 be received (copy of the minutes are in the Elected Members Report / Information Bulletin), and the following recommendations be adopted:

- Item 6.4 Bayonet Head
   Priority for City of Albany to remove Sydney Wattle from reserve south side of Bayonet Head Road at rear of Oyster Harbour Shopping Centre.
- ii. Item 6.5 Dieback Mapping
  Encourage Council to implement and promote a certification program
  to ensure weed and dieback transmission in road and site fill materials
  is regulated throughout the district to reduce environmental risk.

CARRIED 13-0

# Corporate & Community Services

**REPORTS** 

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## -REPORTS-

## 12.1 FINANCE

## 12.1.1 List of Accounts for Payment

File/Ward : FIN040 (All Wards)

Proposal/Issue : N/A

Subject Land/Locality : N/A

Proponent : N/A

Owner : N/A

**Reporting Officer(s)**: Manager Finance (S Goodman)

Disclosure of Interest : Nil

Previous Reference : N/A

**Summary Recommendation**: Council adopt the list of accounts for payment.

Bulletin Attachment : Nil

Locality Plan : N/A

## **COMMENTS / DISCUSSION**

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

| Municipal | Fund |
|-----------|------|
| Chan      |      |

| Cheques                  | Totalling | \$ 80,263.08   |
|--------------------------|-----------|----------------|
| Electronic Fund transfer | Totalling | \$3,629,017.21 |
| Credit Cards             | Totalling | \$7,616.82     |
| Payroll                  | totalling | \$672,165.00   |
| Total                    | · ·       | \$4,389,062.11 |

- 2. As at 29<sup>th</sup> May 2007, the total outstanding creditors, stands at \$679,291.48.
- 3. Cancelled Cheques 23146 and 23151.

## RECOMMENDATION

THAT the following City of Albany accounts be passed for payment:
Municipal Fund Totalling \$4,389,062.11

Voting Requirement Simple Majority

.....

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\* REFER DISCLAIMER \*\* CORPORATE & COMMUNITY SERVICES REPORTS

## Item 12.1.1 continued

# MOVED COUNCILLOR WALKER SECONDED COUNCILLOR EVANS

THAT the following City of Albany accounts be passed for payment:
Municipal Fund Totalling \$4,389,062.11

CARRIED 13-0

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## 12.1.2 Financial Activity Statement – Month Ending 31 May 2007

File/Ward : FIN040 (All Wards)

Proposal/Issue : N/A

Subject Land/Locality : N/A

Proponent : N/A

Owner : N/A

Reporting Officer(s) : Senior Accounting Officer (M Brenton)

Disclosure of Interest : Nil

Previous Reference : N/A

**Summary Recommendation**: Note Financial Activity Statement

Bulletin Attachment : Nil

Locality Plan : N/A

## **COMMENT/DISCUSSION**

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

## STATUTORY REQUIREMENTS

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## STRATEGIC IMPLICATIONS

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

## CORPORATE & COMMUNITY SERVICES REPORTS

## Item 12.1.2 continued

## **COMMENT/DISCUSSION**

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

## RECOMMENDATION

THAT Council note the attached Financial Activity Statement for the month ending 31<sup>st</sup> May 2007.

Voting Requirement Simple Majority

.....

# MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR EMERY

THAT Council note the attached Financial Activity Statement for the month ending 31<sup>st</sup> May 2007.

CARRIED 13-0

## CORPORATE & COMMUNITY SERVICES REPORTS

## Item 12.1.2 continued

| Item 12.1.2 continued                   |                 | <u> </u>                                |           |
|---|-----------------|---|-----------|
| FINANCIAL ACTIVITY STATEMENT – MAY 07   | Actual          | Current Budget                          | Budget    |
|   | Year to Date    | Year to Date                            | Variance  |
|   | 31-May-07       | 31-May-07                               |           |
| OPERATING INCOME                        |                 |   |           |
| Rates                                   | 16,723,982.96   | 16,714,130                              | 9,853     |
| Grants & Subsidies                      | 3,566,720.12    | 3,560,319                               | 6,401     |
| Contributions. Reimb & Donations        | 287,400.21      | 287,384                                 | 16        |
| Fees & Charges                          | 6,865,764.07    | 6,758,296                               | 107,468   |
| Interest Earned                         | 1,287,909.78    | 1,248,285                               | 39,625    |
| Other Revenue / Income                  | 953,667.96      | 924,595                                 | 29,073    |
| Net Controlled Trust Revenue            | (44,066.13)     | (44,066)                                |           |
|   | 29,641,378.97   | 29,448,943                              | 192,436   |
| OPERATING EXPENDITURE                   |                 |   |           |
| (excluding depreciation)                |                 |   |           |
| Employee Costs                          | (9,910,359.07)  | (9,902,542)                             | (7,817)   |
| Utilities                               | (666,889.95)    | (693,145)                               | 26,255    |
| Interest Expenses                       | (648,099.18)    | (638,603)                               | (9,496)   |
| Contracts & materials                   | (8,011,097.75)  | (8,134,707)                             | 123,609   |
| Insurance expenses                      | (315,118.33)    |   | 3,189     |
| Other Expenses                          | (777,824.03)    | (804,606)                               | 26,782    |
| ·                                       | (20,329,388.31) | , | 162,522   |
| CAPITAL INCOME                          |                 | ,                                       | •         |
| Grants & Subsidies                      | 3,671,543.28    | 3,642,364                               | 29,179    |
| Contributions. Reimb & Donations, Other | 4,999,363.63    |   | 1,819     |
| Proceeds from sale of assets            | 2,716,709.89    |   | 81,649    |
|   | 11,387,616.80   |   | 112,647   |
| CAPITAL EXPENDITURE                     |                 | , ,                                     | •         |
| Asset Masterplans                       | (4,804,465.42)  | (4,578,050)                             | (226,415) |
| ALAC Redevelopment                      | (2,644,236.84)  | 1                                       | 5,763     |
| Plant Replacement                       | (3,024,188.56)  | , ,                                     | (113,745) |
| Developers Subdivisions                 | (4,872,600.00)  | , ,                                     | -         |
| Other Capital                           | (1,891,144.89)  |   | (66,710)  |
| ·                                       | (17,236,635.71) | (16,835,529)                            | (401,107) |
| CASH FLOWS FROM FINANCING ACTIVITIES    |                 | ,                                       | ,         |
| Loan Principal Repayment                | (448,945.84)    | (448,079)                               | (867)     |
| Proceeds from Self Supporting Loans     | 29,797.33       |   | Ò         |
| Proceeds from new loans                 | 0.00            | 0                                       | -         |
|   | (419,148.51)    | (418,282)                               | (867)     |
| OTHER BALANCE SHEET ITEMS               | ,               | , , ,                                   | ` ′       |
| Change in stock position                | (351,730.78)    |   |           |
| Change in Debtors                       | 1,179,707.84    |   |           |
| Change in Creditors                     | (2,438,591.03)  |   |           |
| -                                       | (1,610,613.97)  |   |           |
| NET CASH FLOW                           | 1,433,209.27    |   |           |
| Opening Cash balance                    | 15,968,783.53   |   |           |
| NET CASH AT BALANCE DATE                | 17,401,992.80   |   |           |
|   | ,,              | l l                                     |           |

## **Cash Summary**

| Municipal Account        | 4,884,900.39  |
|--------------------------|---------------|
| Reserve Account          | 10,148,993.07 |
| Trust Account            | 2,368,099.34  |
| Total Bank / Investments | 17,401,992.80 |

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\* REFER DISCLAIMER \*\* CORPORATE & COMMUNITY SERVICES REPORTS

## Item 12.1.2 continued

## Explanation of Variances on Financial Activity Statement - May YTD 2007

Nil variances of 10% or greater for the month.

## **CORPORATE & COMMUNITY SERVICES REPORTS**

Councillor Jamieson declared a financial interest in Item 12.2.1 and left the meeting at 9.09pm. The nature of Councillor Jamieson's interest is that his wife has been granted studio space at the Vancouver Arts Centre.

## 12.2 ADMINISTRATION

## 12.2.1 Future of Arts and Culture in Albany

File/Ward : MAN116 (All Wards)

**Proposal/Issue** : Establishing a direction for the future of arts and

culture in Albany

Subject Land/Locality : N/A

Proponent : N/A

Owner : N/A

Reporting Officer(s) : Executive Director Corporate & Community

Services (WP Madigan)

Disclosure of Interest : Nil

Previous Reference : Nil

**Summary Recommendation**: That Council establish a new direction for art &

culture in Albany and the Vancouver Arts Centre.

Bulletin Attachment : Nil

Locality Plan : N/A

## **BACKGROUND**

1. Towards the end of 2006 it was felt the role and direction of the Arts Advisory Committee was becoming too broad and the Committee was not sure that the operations, staffing levels/roles and programs offered through the Vancouver Arts Centre were meeting the needs of the community.

- 2. To assist in reviewing this situation and assist in developing a pathway forward June Moorhouse, Manager of Culture and Recreation, City of Fremantle, was engaged to conduct a series of workshops.
- 3. The initial workshop was held in January and involved only members of the Arts Advisory Committee and concentrated on items such as the role and direction of the Committee, program development and the role and qualities required in the Arts Projects Officer position.

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## Item 12.2.1 continued

- 4. The key recommendation from the workshop was the need for two Committees instead of the one at present. The new Committee would be a formal Committee of Council and a representative strategic Committee, addressing the key strategic issues of arts and culture over the whole of Albany. This would be similar to the role currently undertaken by the working group overseeing the development of the cultural map and the cultural planning process and would be titled the Albany Cultural Development Committee. The second Committee would concentrate on programming and the operations of the Vancouver Arts Centre.
- 5. It is anticipated this Committee would no longer be a formal Committee of Council, thereby providing greater flexibility and would become more of an appropriately named focus group, which would be more closely aligned to Country Arts requirements.
- 6. The second workshop was a community workshop and was held in March with some 40-50 community members attending.
- 7. This workshop endorsed the recommendation of the initial workshop in relation to the two Committee structure.
- 8. It also addressed programming and program development, the title and role of the Arts Project Officer, and the retention of an elected member on the Committee.

#### STATUTORY REQUIREMENTS

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

## **POLICY IMPLICATIONS**

9 There are no policy implications relating to this item.

## **FINANCIAL IMPLICATIONS**

10. There will be no overall impact on the net operating budget for the VAC for 2007/08 on implementing these recommendations.

## STRATEGIC IMPLICATIONS

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

## "Community Vision:

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

## Mission Statement

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

## **CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued

Priority Projects

## **COMMENT/DISCUSSION**

## 12. Committee Structure

The Summary Report recommends that two committees be formed:

Albany Arts Advisory Committee – focus on the broader strategic direction of arts and culture in Albany including the outcomes of the cultural planning process, the development of new facilities, securing professional leadership for the arts in Albany.

Vancouver Arts Centre Management Committee – focus on the effective operation of the VAC including future planning and development, sign-off and evaluation of programs, appropriate staffing.

- 13. This recommendation is supported with the committee focussing on the broader strategic direction being titled the "Albany Cultural Development Committee" with the terms of reference being set out as above.
- 14. However, it is considered that the proposed Vancouver Arts Management Committee does not provide sufficient flexibility for the committee in its operations. A preferable model could be the formation of a body outside the formal committee structure of Council, which would provide greater flexibility than a formal committee structure, particularly in relation to membership and frequency of meetings.
- 15. This model would also better suit Country Arts requirements as a community based group.
- 16. It would be appropriate for an elected member to continue to attend these meetings, which is in line with the recommendation in the Summary Report, to ensure information flow back to Council.
- 17. This body would be titled the Vancouver Arts Centre Focus Group, and its terms of reference would be as set out above.
- 18. It is considered an appropriate timing for the foundation of these committees, given the existence of the Albany Arts Advisory Committee, and the Cultural Plan Working Group, would be in conjunction with Council appointments to its other committees following the October 2007 election.
- 19. Professional Leadership and Staffing at V.A.C.

The Summary Report recommends:

That the Coordinator position at the VAC be offered at the level agreed at AAAC discussion, with a view to attracting an experienced professional with significant expertise in arts programming, management and interpersonal skills. This position to be supported by full time administrative back-up.

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## Item 12.2.1 continued

That Council consider the creation of senior arts leadership within its structure to guide the future developments planned for Albany and that Council resolve an appropriate professional management structure for the new facilities that are being planned. This could be the subject of deliberation by the AAAC.

- 20. The recommendation is supported, with the senior arts leadership role being achieved with the completion of the Albany Entertainment Centre, and the person appointed to manage the facility also being responsible for the oversight of the operations of the Albany Town Hall and the Vancouver Arts Centre.
- 21. The coordinator position at the V.A.C. is to be restyled to be responsible solely for the artistic programming and development. The position would attract a salary at Level 6/7 (\$49,625 \$56,608) commensurate with experience, and would be broadly advertised.
- 22. The administrative position would be a full time position at Level 3, and would be responsible for all administrative and operational aspects at the Centre.
- 23. Coordinators would continue to be appointed to run the various programs, and would be responsible for all aspects of the program, including concept development, budgeting, grant applications, acquittals, implementation and reporting. Generic job descriptions for coordinators are to be developed. Coordination fees would form part of the program budget.

Programming and Program Development

- 24. The public meeting endorsed the process for the development of the program, with ideas being drawn from as many sources as possible, filtered by the Artistic Director with recommendations to the group for finessing and sign off.
- 25. A small working group may be formed to assist the Artistic Director in the filtering process, although any person who has developed a program and is to be the coordinator for such program is specifically excluded from the process and any subsequent decision by the group, to ensure complete transparency in the process, and avoidance of any potential conflict of interest.
- 26. In the programming area, the Summary Report refers to the list of existing activities and possible activities that highlight the public expectation that the VAC operates as a dynamic, multi arts venue offering a full range of programs, projects and learning opportunities for the community.
- 27. Issues identified included:
  - Maintenance of an exhibition program.
  - Maintenance of a home base for arts groups.
  - Improved utilisation of outdoor areas.

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## Item 12.2.1 continued

- 28. Other recommendations in relation to programming included:
  - That all programs provide learning opportunities for the community.
  - That program development include the option of providing seed funding to assist in the widest possible range of programs being delivered.

## RECOMMENDATION

## **THAT**

- (i) Council advertise for membership and form the Albany Cultural Development Committee with the terms of reference set out in the report, following the Council elections in October 2007.
- (ii) Council advertise for membership and form the Vancouver Arts Centre Focus Group with terms of reference as set out in the report, following the Council elections in October 2007.
- (iii) The coordinator position at the V.A.C. is to be restyled to that of Artistic Director to be responsible solely for the artistic programming and development. The position to attract a salary at Level 6/7 (\$49,625 \$56,608) commensurate with experience, and be broadly advertised.
- (iv) The administrative position be a full time position at Level 3, and be responsible for all administrative and operational aspects at the Centre.
- (v) Coordinators continue to be appointed to run the various programs, and be responsible for all aspects of the program, including concept development, budgeting, grant applications, acquittals, implementation and reporting, with coordination fees forming part of the program budget.
- (vi) That the process outlined for the development of the programs be implemented.
- (vii) A rostering system for existing staff or other options be investigated to provide 7-day/week opening.
- (viii) The exhibition program be redefined and revitalised, with greater use being made of the exhibition venues at the Albany Town Hall.
- (ix) Further consideration be given to the desirability and options in relation to the exclusive use of designated areas within the building by particular groups.
- (x) Consideration be given to reorientation of the site to encourage the south side as the entry point to the venue:
  - Modifications to the steps and door be undertaken;
  - The parking bays on the street frontage be removed, and an ornamental hedge re-instated; and
  - The "Unhiding" bench be relocated on the grounds.
- (xi) All programs provide learning opportunities for the community.
- (xii) Program development include the option of providing seed funding to assist in the widest possible range of programs being delivered.

| voting Requirement Absolute Majority |
|--------------------------------------|
| <br>                                 |

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\* REFER DISCLAIMER \*\* CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

# MOVED COUNCILLOR WATERMAN SECONDED COUNCILLOR WELLINGTON

## **THAT**

- (i) Council advertise for membership and form the Albany Cultural Development Committee with the terms of reference set out in the report, following the Council elections in October 2007.
- (ii) Council advertise for membership and form the Vancouver Arts Centre Focus Group with terms of reference as set out in the report, following the Council elections in October 2007.
- (iii) The coordinator position at the V.A.C. is to be restyled to that of Artistic Director to be responsible solely for the artistic programming and development. The position to attract a salary at Level 6/7 (\$49,625 \$56,608) commensurate with experience, and be broadly advertised.
- (iv) The administrative position be a full time position at Level 3, and be responsible for all administrative and operational aspects at the Centre.
- (v) Coordinators continue to be appointed to run the various programs, and be responsible for all aspects of the program, including concept development, budgeting, grant applications, acquittals, implementation and reporting, with coordination fees forming part of the program budget.
- vi) That the process outlined for the development of the programs be implemented.
- vii) A rostering system for existing staff or other options be investigated to provide 7-day/week opening.
- viii) The exhibition program be redefined and revitalised, with greater use being made of the exhibition venues at the Albany Town Hall.
- ix) Further consideration be given to the desirability and options in relation to the exclusive use of designated areas within the building by particular groups.
- x) Consideration be given to reorientation of the site to encourage the south side as the entry point to the venue:
  - Modifications to the steps and door be undertaken;
  - The parking bays on the street frontage be removed, and an ornamental hedge re-instated; and
  - The "Unhiding" bench be relocated on the grounds.
- (xi) All programs provide learning opportunities for the community.
- (xii) Program development include the option of providing seed funding to assist in the widest possible range of programs being delivered.

CARRIED 12-0 ABSOLUTE MAJORITY

Councillor Jamieson returned to the meeting at 9.11pm after consideration of Item 12.2.1

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## 12.2.2 Amalgamation of Closed Road into Titles

File/Ward : A71524 & A73186 (West Ward)

Proposal/Issue : Amalgamation of Closed Road

Subject Land/Locality : Lots A5 & A6 Stirling Street Gledhow

**Proponent** : M Schroder and G Main

Owner : M and M Schroder and Ferrous Downs Pty Ltd

**Reporting Officer(s)** : Manager Customer Services (B Parker)

Disclosure of Interest : Nil

**Previous Reference**: OCM 18.06.96 – Item F6/15

OCM 15.01.97 – Item 14.2 OCM 09.04.97 – Item 15.1 OCM 24.09. 97 - Item 15.5

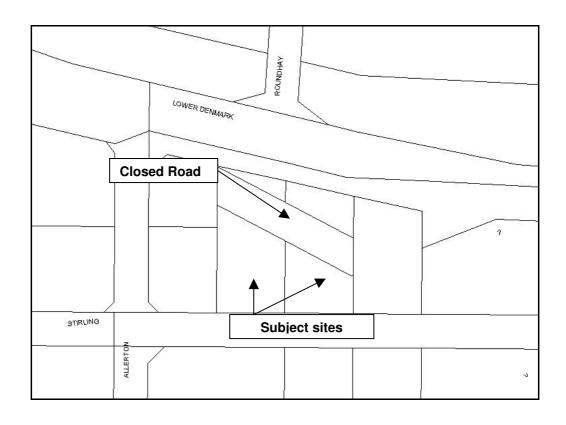
Summary Recommendation : That Council absorb all cost associated with

amalgamating the closed road into Lots A5 and

A6 Stirling Street Gledhow

Bulletin Attachment : Nil

Locality Plan :



## **CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.2 continued

## **BACKGROUND**

- 1. The Shire of Albany owned Lot A5 and A6 Location 234 Stirling Street Gledhow. A closed road as represented in the diagram above dissects these two portions of land.
- 2. In February 1997, the Shire of Albany approved the sale of Lot A5 Location 234 Stirling Street Gledhow to Schroders Sandblasting. The offer of sale included the option to purchase the portion of closed road.
- 3. In September 1997, the Shire of Albany approved the sale of Lot A6 Location 234 Stirling Street Gledhow to Mr Gilbert Main. The offer of sale included the option to purchase the portion of closed road.
- 4. Both purchases opted for the portion of closed road to be included in the offer of sale and as a result the Shire received a higher sale fee to reflect the portion of closed road.
- 5. Mr Schroder has recently attempted to sell his portion of land only to be advised by his agent that the closed road is still represented on the Certificate of Title. Mr Schroder has since contacted the City in an effort to amalgamate the two portions of land into a single title.
- 6. Upon receiving this enquiry, the City contacted the State Land Service only to receive confirmation that the Shire of Albany had no legal right to sell the closed road. It is understood that enquiries had been made by the Shire to amalgamate the two portions of land, however the formal transaction had never taken place.
- 7. This scenario places the City in the situation where funds have been received for land that the Shire was not legally entitled to sell. Given that the proponents have already purchased the land from a theoretical perspective, it would be ethical for the City to absorb all costs associated with the amalgamation of the closed road into the Certificates of Title for Lots A5 and A6 Stirling Street Gledhow.

## STATUTORY REQUIREMENTS

- 8. Section 3.58 (3) of the Local Government Act (1995) outlines that a Local Government can dispose of property as long as it gives local public notice of the proposed disposition.
- 9. From a statutory perspective, the Shire of Albany did advertise the sale of both properties, however failed to apply to the relevant State Government Authority to amalgamate the portions of land.

## **POLICY IMPLICATIONS**

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

## FINANCIAL IMPLICATIONS

11. As a result of incorrectly disposing of property and receiving funds for a section of land that the Shire had no legal right to sell, the City faces a number of statutory charges in an effort to amalgamate these portions of land into single titles.

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## Item 12.2.2 continued

- 12. City staff have held preliminary discussions with Ken McCracken from the State Land Service with regard to the statutory process and costs associated to purchase and amalgamate the portions of land. Mr McCracken has advised that given the unusual circumstances which apply to this scenario that his department is prepared to waive a number of costs associated with this process, however some statutory costs are inevitable.
- 13. From an administrative perspective the City will be liable to pay approximately \$1,000 to cover the purchase of the closed road and various administrative charges such as the preparation of graphics and easements if required.

## STRATEGIC IMPLICATIONS

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

## "Community Vision:

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

Excellent community infrastructure and services.

## Mission Statement:

The City of Albany is committed to...

• providing sound governance;

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

our customer focus:

At all times we will ...

• demonstrate integrity, leadership and teamwork.

## **Priority Projects:**

Nil"

## **COMMENT/DISCUSSION**

15. Both proponents, although eager to see a successful outcome have been very understanding with regard to this issue. It is in the City's best interest from a customer service and public relations perspective to rectify this scenario as quickly as possible and absorb all costs associated with the amalgamation process.

## RECOMMENDATION

That Council;

- i) Apply to the State Land Service to amalgamate the portion of closed road that dissects Lot A5 Stirling Street Gledhow into a single of portion of land that is reflected upon the Certificate of Title.
- ii) Apply to the State Land Service to amalgamate the portion of closed road that dissects Lot A6 Stirling Street Gledhow into a single of portion of land that is reflected upon the Certificate of Title.

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## Item 12.2.2 continued

- iii) Pay \$1,000 in fees and charges for the purchase of the closed road and other administrative charges associated with the amalgamation process such as the preparation of graphics.
- iv) Write to the proponents advising of the outcome and the Council's decision to pay all fees and charges associated with the amalgamation process.

Voting Requirement Absolute Majority

.....

# MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR WELLINGTON

## **That Council;**

- i) Apply to the State Land Service to amalgamate the portion of closed road that dissects Lot A5 Stirling Street Gledhow into a single of portion of land that is reflected upon the Certificate of Title.
- ii) Apply to the State Land Service to amalgamate the portion of closed road that dissects Lot A6 Stirling Street Gledhow into a single of portion of land that is reflected upon the Certificate of Title.
- iii) Pay \$1,000 in fees and charges for the purchase of the closed road and other administrative charges associated with the amalgamation process such as the preparation of graphics.
- iv) Write to the proponents advising of the outcome and the Council's decision to pay all fees and charges associated with the amalgamation process.

CARRIED 13-0 ABSOLUTE MAJORITY

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\* REFER DISCLAIMER \*\* CORPORATE & COMMUNITY SERVICES REPORTS

## 12.3 LIBRARY SERVICES

Nil

## 12.4 DAY CARE CENTRE

Nil

## 12.5 TOWN HALL

Nil

## 12.6 RECREATION SERVICES

Nil

## 12.7 VISITORS CENTRE

Nil

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\* REFER DISCLAIMER \*\* CORPORATE & COMMUNITY SERVICES REPORTS

## 12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

## 12.8.1 Albany Town Hall Theatre Advisory Committee meeting minutes – 2<sup>nd</sup> May 2007

File/Ward : SER047 (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 the 2<sup>nd</sup> May 2007

be received.

## RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 2<sup>nd</sup> May 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

# MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR MARSHALL

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 2<sup>nd</sup> May 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

**CARRIED 13-0** 

## **CORPORATE & COMMUNITY SERVICES REPORTS**

## 12.8.2 Albany Arts Advisory Committee meeting minutes – 9<sup>th</sup> May 2007

File/Ward : MAN116 (All Wards)

**Proposal/Issue** : Committee Items for Council Consideration.

Reporting Officer(s) : Executive Director Corporate & Community

Services (WP Madigan)

Summary Recommendation : That the Minutes of Albany Arts Advisory

Committee held on the 9th May 2007 be

received.

## RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting held on the 9<sup>th</sup> May 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

## MOVED COUNCILLOR WATERMAN SECONDED COUNCILLOR WELLINGTON

THAT the minutes of Albany Arts Advisory Committee meeting held on the 9<sup>th</sup> May 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

**CARRIED 13-0** 

# **Works & Services**

**REPORTS** 

# ORDINARY COUNCIL MEETING MINUTES –19/06/07 \*\* REFER DISCLAIMER \*\* WORKS & SERVICES REPORTS

## -REPORTS-

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES - WASTE MANAGEMENT

Nil

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

# ORDINARY COUNCIL MEETING MINUTES -19/06/07 \*\* REFER DISCLAIMER \*\* WORKS & SERVICES REPORTS

## 13.4 CITY SERVICES – CONTRACT MANAGEMENT

## 13.4.1 Contract C07004 – Trade and Building Services

File/Ward : C07004 (All Wards)

Proposal/Issue : Provision of Trade, Building and Waste

Management Services – Biennial (2007/09)

Subject Land/Locality : Nil

Proponent : Nil

Owner : Nil

Reporting Officer(s) : Manager City Services (I Neil)

Contracts Administrator (W Male)

Disclosure of Interest : Nil

Previous Reference : Nil

**Summary Recommendation**: That Council accepts tender C07004 from Havoc

Builders Pty Ltd for Trade and Building Services

Biennial 2007/09

Bulletin Attachment : Nil

Locality Plan : Nil

## **BACKGROUND**

1. Council's current contract for trade and building services expires on 30<sup>th</sup> June 2007. In order for Council to maintain the current level of commitment for these works, Council was required to re-tender the service. Works are carried out on an as needs basis.

## STATUTORY REQUIREMENTS

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

## **POLICY IMPLICATIONS**

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

# ORDINARY COUNCIL MEETING MINUTES -19/06/07 \*\* REFER DISCLAIMER \*\* WORKS & SERVICES REPORTS

#### Item 13.4.1 continued

## FINANCIAL IMPLICATIONS

6. Works are carried out on an as needs basis, with the financial impact being spread across various budget allocations. There is no singular budget allocation for this service.

## STRATEGIC IMPLICATIONS

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

## "Community Vision:

A Thriving City: Albany's community will enjoy economic growth and outstanding opportunities for our youth through innovative development complementing Albany's unique character, natural environment and heritage.

## Mission Statement:

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

## **Priority Projects:**

Nil."

## **COMMENT/DISCUSSION**

- 8. A request for tenders was published in the West Australian on 9<sup>th</sup> May 2007, the Albany Advertiser on 10<sup>th</sup> and Albany Extra on 11<sup>th</sup> May 2007.
- 9. Tenderers were requested to supply costs for work to be carried out for the City's Trades and Buildings Services and to carry out maintenance for the Waste Services.
- 10. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

| Criteria                          | Weight |
|-----------------------------------|--------|
| Cost                              | 40     |
| Technical Compliance & Experience | 30     |
| Reliability                       | 10     |
| Safety Management                 | 10     |
| Risk Management                   | 20     |
| Total                             | 100    |

11. One tender was issued with one submission received at the close of tenders.

# ORDINARY COUNCIL MEETING MINUTES -19/06/07 \*\* REFER DISCLAIMER \*\* WORKS & SERVICES REPORTS

## Item 13.4.1 continued

12. The following table summarises the rates and charges (including GST) submitted by the tender applicant for the supply of trade and building services.

| Schedule of Rates                 | Havoc Builders P | Havoc Builders Pty Ltd |  |
|-----------------------------------|------------------|------------------------|--|
|                                   | Trades           | Waste                  |  |
| Rate/Hour - Tradesman             | 35.00            | 35.00                  |  |
| Trades Assistant                  | 31.00            | 31.00                  |  |
| Minimum charge for Minor Call-out | 35.00            | 35.00                  |  |
| After Hours Loading               | Nil              | Nil                    |  |
| Supply materials as required –    |                  |                        |  |
| adjusted for trade discount       | 0%               | 0%                     |  |
| Minimum Notice                    | 1 hour           | 1 hour                 |  |
| Evaluation Score                  | 635              |                        |  |

13. Havoc Builders pricing and ability to respond are considered crucial elements of the contract. Havoc Builders have indicated their ability and intention to supply tradesmen for both the Trades and Waste area of Council. Havoc Builders currently provides this service to the City, to date the contractor has performed this function to an acceptable standard.

## RECOMMENDATION

THAT Council accept the tender C07004 from Havoc Builders Pty Ltd for Trade and Building Services Biennial 2007/09 at the listed rates:

| Schedule of Rates                 | Havoc Builders Pty Ltd |        |
|-----------------------------------|------------------------|--------|
|                                   | Trades                 | Waste  |
| Rate/Hour - Tradesman             | 35.00                  | 35.00  |
| Trades Assistant                  | 31.00                  | 31.00  |
| Minimum charge for Minor Call-out | 35.00                  | 35.00  |
| After Hours Loading               | Nil                    | Nil    |
| Supply materials as required –    |                        |        |
| adjusted for trade discount       | 0%                     | 0%     |
| Minimum Notice                    | 1 hour                 | 1 hour |

Voting Requirement Simple Majority

# ORDINARY COUNCIL MEETING MINUTES –19/06/07 \*\* REFER DISCLAIMER \*\* WORKS & SERVICES REPORTS

## Item 13.4.1 continued

# MOVED COUNCILLOR WALKER SECONDED COUNCILLOR MARSHALL

THAT Council accept the tender C07004 from Havoc Builders Pty Ltd for Trade and Building Services Biennial 2007/09 at the listed rates:

| Schedule of Rates              | Havoc Builders Pty Ltd |        |
|--------------------------------|------------------------|--------|
|                                | Trades                 | Waste  |
| Rate/Hour - Tradesman          | 35.00                  | 35.00  |
| Trades Assistant               | 31.00                  | 31.00  |
| Minimum charge for Minor Call- | 35.00                  | 35.00  |
| out                            |                        |        |
| After Hours Loading            | Nil                    | Nil    |
| Supply materials as required – |                        |        |
| adjusted for trade discount    | 0%                     | 0%     |
| Minimum Notice                 | 1 hour                 | 1 hour |

**CARRIED 13-0** 

# ORDINARY COUNCIL MEETING MINUTES –19/06/07 \*\* REFER DISCLAIMER \*\* WORKS & SERVICES REPORTS

## 13.5 CITY SERVICES – PROPERTY MANAGEMENT

Nil

13.6 CITY WORKS - CAPITAL WORKS

Nil

13.7 CITY WORKS - RESERVES, PLANNING & MANAGEMENT

Nil

13.8 WORKS & SERVICES COMMITTEES

Nil

# General Management Services

**REPORTS** 

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\*REFER DISCLAIMER\*\* GENERAL MANAGEMENT SERVICES REPORTS

## 14.1 STRATEGIC DEVELOPMENT

Nil

## 14.2 ORGANISATIONAL DEVELOPMENT

Nil

## 14.3 ECONOMIC DEVELOPMENT

Nil

## **GENERAL MANAGEMENT SERVICES REPORTS**

## 14.4 CORPORATE GOVERNANCE

## 14.4.1 Annual Compliance Audit Return - 2006

File/Ward : GOV039 (All Wards)

Proposal/Issue : Annual Compliance Audit Return (CAR) for

period 1 January 2006 to 31 December 2006.

Subject Land/Locality : N/A

Proponent : N/A

Owner : N/A

**Reporting Officer(s)** : Corporate Governance Coordinator (JR Byrne)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Adopt 2006 Compliance Audit Return and

endorse certification.

Bulletin Attachment : Copy of the 2006 Compliance Audit Return

Locality Plan : N/A

## **BACKGROUND**

1. Each year, local government authorities are required to undertake an audit of compliance for the preceding calendar year. A copy of the 2006 Compliance Audit Return is included in the Elected Members Report / Information Bulletin.

## STATUTORY REQUIREMENTS

2. Section 7.13 (i) of the Local Government Act 1995 and Regulations 13-15 of the Local Government (Audit) Regulations establish the requirements for Local Governments to undertake an annual compliance audit and submit a copy of that audit to the Department of Local Government and Regional Development (DLGRD).

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **GENERAL MANAGEMENT SERVICES REPORTS**

## Item 14.4.1 continued

## STRATEGIC IMPLICATIONS

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

## "Community Vision:

Nil

## Mission Statement:

At all times we will

actively keep abreast of best practice;

The City of Albany is committed to

providing sound governance; and

The City of Albany will always be renowned for

our high performance system of governance.

## **Priority Projects:**

Nil"

## COMMENT/DISCUSSION

- 6. The Compliance Audit Return forms an important part of the City's compliance monitoring program.
- 7. The 2006 Compliance Audit Return contains 276 questions, of which three (3) the City of Albany did not demonstrate compliance with.
- 8. Each area of non-compliance is outlined below, including the comment contained in the Return of why the non-compliance occurred, and more importantly, how that has been addressed to ensure future compliance.

## Finance

9. Question 24 – Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the Chief Executive Officer within 30 days after receiving the Auditor's report?

The Manager of Finance has reported that the 'auditors failed to submit report as was their practice in previous years. Report was forwarded on 1<sup>st</sup> March (2007) after request from DLGRD'. The remedial action taken is that the Auditor has been advised that the City will ensure a copy is forwarded to the Department in future years.

## **GENERAL MANAGEMENT SERVICES REPORTS**

## Item 14.4.1 continued

## **Meeting Process**

- 10. Question 6 On all occasions when councillors called an ordinary or special meeting of Council was it called by at lest 1/3 (one third) of the councillors, by notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting.
  - A check of the Special Meetings of Council held in 2006 revealed that there is no evidence to indicate that the Special Meeting of Council held in June 2006 to consider the budget (not adopt) met this requirement. The remedial action taken to ensure future compliance is that relevant procedure manuals have been updated and appropriate personnel informed to ensure future compliance with this requirement. In addition, the Agenda / Minutes function was subsequently transferred to the newly created position of Corporate Governance Coordinator in late July 2006, specifically to overcome such compliance issues.
- 11. It should be noted that Special Meetings of Council held since July 2006 complied with this requirement.
- 12. Question 42 Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.
  - Advertising meetings for 12 months in advance of the two (2) Committees required to be open to the public (Community Financial Assistance Grants Committee and Town Hall Theatre Advisory Committee) did not occur. Each meeting was advertised individually to inform the community and enable attendance. Longer term scheduling of meetings of these Committees is being addressed to enable compliance with this requirement.

## RECOMMENDATION

#### THAT the:

- a) Compliance Audit Return for the City of Albany for the period 1 January 2006 to 31 December 2006 be adopted.
- b) Certificate contained within the Compliance Audit Return be endorsed appropriately by the Mayor and the Chief Executive Officer.
- c) Actions taken to address the areas of non-compliance be noted.

| Voting Requirement Simple Majority |
|------------------------------------|
|                                    |

## **GENERAL MANAGEMENT SERVICES REPORTS**

## Item 14.4.1 continued

## **ADDENDUM**

- 13. Queries were raised regarding four questions with a 'No' response. These questions were reviewed and discussed with appropriate officers, as well as an officer at the Department of Local Government and Regional Development.
- 14. The amendments are as follows:

## Question 46 - Finance section - Bulletin page 188, C.A.R. page 9

This question was previously answered 'No', indicating non-compliance. However, the correct answer is 'N/A' as the City did not impose a specified area rate.

## Question 48 – Finance section - Bulletin page 189, C.A.R. page 10

This question was previously answered 'No', indicating non-compliance. However, the correct answer is 'N/A' as the City did not impose a service charge.

Questions 16 & 17 – Local Government Employees section – Bulletin page 195, C.A.R. page 16

These questions were previously answered 'No', indicating that the City did not adopt such a policy during the Return period of 1 January to 31 December 2006. However, a 'No' response potentially indicates non-compliance. Following discussion with an officer at the Department of Local Government and Regional Development, it has been agreed that the appropriate response is 'N/A' with a qualifying comment that 'Council already has a policy in regard to this matter.'

The Department has also undertaken to review these questions for future years to ask if the Council has such a policy, rather than 'did it adopt such a policy' during the Return period.

## AMENDED RECOMMENDATION

## THAT the:

- a) Compliance Audit Return for the City of Albany for the period 1 January 2006 to 31 December 2006, as amended, be adopted.
- b) Certificate contained within the Compliance Audit Return be endorsed appropriately by the Mayor and the Chief Executive Officer and submitted to the Department of Local Government and Regional Development.
- c) Actions taken to address the areas of non-compliance be noted.

| Voting Requirement Simple Majority |
|------------------------------------|
| <br>                               |

## **GENERAL MANAGEMENT SERVICES REPORTS**

## Item 14.4.1 continued

# MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR WATERMAN

## THAT the:

- a) Compliance Audit Return for the City of Albany for the period 1 January 2006 to 31 December 2006, as amended, be adopted.
- b) Certificate contained within the Compliance Audit Return be endorsed appropriately by the Mayor and the Chief Executive Officer and submitted to the Department of Local Government and Regional Development.
- c) Actions taken to address the areas of non-compliance be noted.

CARRIED 11-2

## Record of Vote:

For: Mayor Goode, Councillors Marshall, Emery, Wellington, Waterman, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman Against: Councillors Paver and Evans

Councillor Paver tabled a copy of his address to the Council in which he spoke against the motion, which is attached.

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\*REFER DISCLAIMER\*\* GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

## <u>Item 14.4.1 OCM 19th June 2007</u> <u>Address by Councillor Paver</u>

Madam Mayor

I regret to say that I find myself unable in good conscience to support the officer's recommendation on the Albany Compliance Audit Return 2006 as it stands. The reason why Madam Mayor is to be found in the answer "Yes" that is given to question number 54 under the heading Meeting Process. This may be found on page 203 of the Members' Bulletin. The question relates to section 5.33(1) of the Local Government Act 1995 which provides that "All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or if not practicable, at the first ordinary council meeting after that, or at a special meeting called for that purpose."

Madam Mayor on the 4th December 2006 a Special Electors Meeting was held in this building at which many Councillors were present. They will recall that many electors were angered by decisions relating to development on the foreshore and that the meeting passed a number of resolutions. They may also recall as I do that during the course of the meeting someone called for a response to the concerns being expressed and you, Madam Mayor, replied by saying that a response would be forthcoming at the next Council meeting.

The next Ordinary Council Meeting was held on the 19th December 2006 and at that meeting I moved the officer recommendation to receive the minutes of the Special Electors' Meeting. This was passed unanimously. Councillors will recall that nothing was said by any one in response to the decisions made at that meeting. They may also recall as I do that I said at the time that some comment should have been forthcoming from Council. But nothing was said, Madam Mayor. Electors' concerns were greeted with a stony silence.

Now unless the receipt of the minutes of the special electors' meeting is to be interpreted as a "consideration" of the decisions made at that meeting, and I don't think such an interpretation sits comfortably with either the ordinary meaning of words or the intention of the Local Government Act which under section 1.3.(2)(c) is to deliver "greater accountability of local governments to their communities", I do not believe the electors' decisions were considered at all at the next ordinary meeting of Council.

# ORDINARY COUNCIL MEETING MINUTES – 19/06/07 \*\*REFER DISCLAIMER\*\* GENERAL MANAGEMENT SERVICES REPORTS

## Item 14.4.1 continued

That being so, Madam Mayor, I think that the answer "No" should be recorded alongside question number 54 under the heading Meeting Process in the Albany Compliance Audit Return 2006. I invite Councillors to express their recollection of the Ordinary Council Meeting of 19th December 2006 and if any of them is prepared to foreshadow a motion to adopt the Albany Compliance Audit Return 2006 subject to an amendment to the answer to question 54 so that it reads "No" instead of "Yes" I assure them of my support.

## **GENERAL MANAGEMENT SERVICES REPORTS**

#### 14.5 **GENERAL MANAGEMENT SERVICES COMMITTEES**

## 14.5.1 Minutes of Albany Tourism Marketing Advisory Committee – 7 May 2007

File/Ward STR207 (All Wards)

Proposal/Issue Committee Items for Council Consideration.

Reporting Officer(s) Manager Economic Development (J.Berry)

**Summary Recommendation** That the Minutes of Albany Tourism Marketing

> Advisory Committee held on 7 May 2007 be received and recommendations be adopted.

## RECOMMENDATION

THAT the minutes of the Albany Tourism Marketing Advisory Committee held on 7 May 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

## **MOVED COUNCILLOR JAMIESON** SECONDED COUNCILLOR WELLINGTON

THAT the minutes of the Albany Tourism Marketing Advisory Committee held on 7 May 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 13-0

## 15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin DRAFT MOTION

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

## MOVED COUNCILLOR EVANS SECONDED COUNCILLOR WALKER

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

CARRIED 13-0

## 16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

#### 17.0 MAYORS REPORT

'Fellow Councillors:

Last Friday I had the pleasure of officially opening the Albany Skate and BMX Park. The need for a regional Skate and BMX facility, was first identified during the City of Albany's Recreation Needs Assessment (May 2000) and confirmed in the Recreation Strategy (February 2001). The project was prioritised in the Centennial Park Recreation Precinct plan (adopted June 2003).

The state-of-the-art design of the Skate Park is the culmination of extensive community consultation and advice from teams with extensive experience in recreation and major infrastructure planning. The Skate Park supports Council's commitment to youth and the growing trend for young people to participate in non-traditional activities such as Skateboarding and BMX. It will provide an outlet for youth who may not participate in 'mainstream' sports and an additional activity for those who do. By encouraging young people to engage in physical activity and a healthy lifestyle in this way, we are also educating them to carry the same values into adulthood, thus reducing the current trend of childhood and adult obesity.

The location of the Skate Park, within close proximity of the Albany Leisure and Aquatic Centre and the PCYC operated "77 On Sanford" Youth Centre, will encourage young people to become involved in these other facilities. It is also likely that the park will attract professional BMX and Skateboard enthusiasts to Albany for demonstrations, workshops and competitions, thus increasing the profile of the activity and the region. I congratulate all who have been involved in this project.

Civic Receptions were held this month to welcome representatives of the peak regional arts organizations to Albany for the Country Arts WA, Category A meeting on 21<sup>st</sup> May and on 24<sup>th</sup> May to welcome Anglican Archbishop Roger Herft and Mrs Cheryl Herft to Albany on their official visit to our City.

Also on the 24<sup>th</sup> May I was very honoured to conduct the official welcome, and speak on my role as the Mayor of the City of Albany, at the Australian Women and Leadership Forum.

## Item 17.0 continued

The US Submariners Memorial Service, coordinated by the City of Albany and the Albany Weekender Classic Motor Event, of which Council is a major sponsor, were also successfully held this month.

The City's commitment to tourism promotion was further enhanced this month with a 5 page liftout in the West Australian newspaper, advertising the 'amazingalbany winter campaign'. Cinema advertising, MIX 94.5 radio advertising and Perth metropolitan bus shelter advertising is also raising the profile of 'amazingalbany'.

In conclusion, I would like to thank Cr Des Wolfe for officiating on behalf of the City of Albany and Cr John Walker for attending the opening of the Wingebellup Road on 30<sup>th</sup> May.

Thank you.'

**DRAFT MOTION** 

THAT the Mayor's Report dated 19<sup>th</sup> June 2007 be received.

# MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR WALKER

THAT the Mayor's Report dated 19<sup>th</sup> June 2007 be received.

**CARRIED 13-0** 

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

Nil

## 19.0 CLOSED DOORS

Nil

## 20.0 NEXT ORDINARY MEETING DATE

Tuesday 17<sup>th</sup> July 2007, 7.00pm

## 21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.24pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP Mayor

## **APPENDIX A**

## WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name **Nature of Interest** Item Councillor Lionetti 11.3.9 – change residential Financial – owns land in CBD density in CBD area Councillor Walker 11.4.3 – convert private roads to Impartiality member of **Baptist Church** public roads Councillor Wellington 11.3.9 – change residential Financial – owns land in CBD density in CBD area

# APPENDIX B INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Councillor Jamieson 12.2.1 – future of arts and culture Financial – wife granted

studio space at Vancouver

Arts Centre

## **INTERESTS DISCLOSED BY OFFICERS**

Nil



[Agenda Item 12.1.1 refers] [COUNCIL – 19<sup>th</sup> June 2007]

## **SUMMARY OF ACCOUNTS**

| Municipal Fund           |           |                |
|--------------------------|-----------|----------------|
| Cheques                  | Totalling | \$ 80,263.08   |
| Electronic Fund transfer | Totalling | \$3,629,017.21 |
| Credit Cards             | Totalling | \$7,616.82     |
| Payroll                  | totalling | \$672,165.00   |
| Total                    | •         | \$4,389,062.11 |

## CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$4,389,062.11 which was submitted to each member of the Council on 19<sup>th</sup> June 2007 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

| CHIEF EXECUTIVE OFFICER |  |
|-------------------------|--|
| (A Hammond)             |  |

## **MAYOR**

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$4,389,062.11 which was submitted to the Council on 19<sup>th</sup> June 2007 and that the amounts are recommended to the Council for payment.

| MAYOR        |  |
|--------------|--|
| (A Goode JP) |  |