



MINUTES

FOR THE ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 19 October 2010
7.00pm
City of Albany Council Chambers

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** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Deputy Mayor Wellington declared the meeting open at [7:00:09 PM](#)

II. OPENING PRAYER

Deputy Mayor Wellington then read the opening prayer.

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

ITEM 2.0: RESOLUTION

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR SUTTON

THAT Council SUSPEND Standing Order 3.1 to allow recording of proceedings.

CARRIED 11-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

Deputy Mayor Wellington presented the Mayors Report.

Councillors,

I extend my apologies for the October 2010 Ordinary Council Meeting and thank Deputy Mayor, Cr Dennis Wellington for presiding.

I am in attendance at the Sustainable Economic Growth for Regional Australia conference which is addressing many items of relevance to Albany. The theme of the conference is “Regions: delivering a big Australia”. Some key agenda items include:

- sustainable regions and a big Australia
- regional cities
- regional competitiveness and productivity.

Coinciding with the conference is a Professional Development Workshop of Regional Development Australia groups from throughout Australia, addressing topics relating to strengthening regions. I will attend in my capacity as Chairman of the RDA – Great Southern.

The Western Australian Regional Cities Alliance (Albany, Bunbury, Geraldton/Greenough and Kalgoorlie/Boulder) will also meet during the conference. The City of Albany has submitted an item:

1. Calling for the Alliance to prepare a Discussion Paper and subsequent Policy Proposal for submission to the WA Minister for Regional Development, aimed at the establishment of a new Funding Programme through Royalties for Regions to support improvements to the CBD districts of WA regional cities;

2. Calling for the Alliance to seek support of the Federal member for O'Connor to advocate and support the development of a new supporting Federal program (similar to the Building Better Cities Program) to support revitalisation and infrastructure enhancement initiatives of regional cities.

Upon my return to Perth on Friday 22nd October I will attend a meeting of the Albany Entertainment Centre Operational Sub-Committee.

Throughout the preceding month, in addition to office appointments and council related meetings, I have engaged in the following community activities:

- Rural Development Australia – Great Southern Annual General Meeting
- Illuminate Exhibition Opening presented by Viewpoint Inc.
- Royal Agricultural Society 2010 Smoke Free Rural Community Achiever Award Luncheon in Perth.
- Wreath laying on behalf of the City at the Police Remembrance Day Service
- A workshop looking into the development of a Music Conservatorium for the Albany region.
- Water Corporation's Water Forever – Lower Great southern programme launch
- Hidden Treasures of the Great Southern book launch in Nyabing
- Tourism Council and ACCI Tourism Networking Function
- Meeting with Minister for Commerce, Hon. Bill Marmion at the Albany Entertainment Centre
- Several meetings relating to the Albany Entertainment Centre opening function and finalisation of the Albany Waterfront Agreement.
- Regional Development Australia – Great Southern: meetings both in Albany and Perth
- Western Australian Library Board meeting in Kalgoorlie as WALGA representative
- National Bike Week – Bike N'Art Bicycle Rack Judging
- Bi-Annual Amity Lecture representing both Friends of UWA and the City of Albany as a major sponsor.
- St. John's Anglicare Centre opening.

Thank you.

Elected Members Workshop

Deputy Mayor Wellington announced that there will be an Elected Members Workshop held on Tuesday 26 October 2010 at 6pm in the Margaret Coates Boardroom. Items to be discussed will be as follows:

1. Cull Road Options-Rod Hedderwick from Harley Global will make a presentation on the Cull Road Market Options.
2. AEC Memorandum of Understanding and Funding-EDCCS Peter Madigan will provide an update on the Albany Waterfront Agreement, MOA and funding.
3. Rationalisation of Woolstores Land-EDWS Kevin Ketterer will provide an overview of the Woolstores land rationalisation.
4. Rose Gardens Caravan Park Lease-Requested by Councillor Jill Bostock.

ITEM 3.0: RESOLUTION

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON**

THAT the Mayor's report be RECEIVED.

CARRIED 11-0

7:04:50 PM Councillor J Bostock

Councillor Bostock tabled an address which is detailed at Appendix . Summary of key points:

- The last year has been particularly challenging for the City and Council
- Essential that a resolution is established as soon as possible
- Damage has been done and it is time to build bridges
- Acknowledged the support of the Mayor and CEO

7:07:10 PM Councillor Hammond

Summary of key points:

- Addressed Council regarding the Albany Heartsafe project
- Cr Hammond has received support from the Weekender and several corporate sponsors
- Councillor Hammond stressed how important this project was for the community
- Project will work in conjunction with St John's Ambulance

RESOLUTION

MOVED: DEPUTY MAYOR WELLINGTON

That Council allow the filming of the meeting.

CARRIED BY A SHOW OF HANDS

7:09:21 PM Councillor D Bostock

Summary of key points:

- Thanked members of the public in attendance
- Stated that society gets the government it deserves
- Could not comment on pay dispute
- Hoped that public would not turn its back on council but continue to be involved
- Public commitment to governance needed

7:10:59 PM Councillor Dufty

Summary of key points:

- Recently attended police memorial service
- Spoke of the brotherhood existing in the police force
- Attended meeting regarding the establishment of a music conservatory in Albany
- Albany has a great many talented musicians
- Recently had the privilege of visiting the completed AEC
- Cost of running the AEC will exceed what the City can pay
- Hoping for a change of government attitude to assist regional centres

7:12:55 PM Councillor Sutton

Summary of key points:

- Welcomed outside workers to the meeting
- Stated that council is being swamped with consultant fees
- Business plans should be done in house not by outsourced consultants
- Commented on the number of trips taken by councillors and staff
- Attendance at conferences and seminars must be able to show a definite benefit to the City
- Money spent on junkets could be better spent elsewhere

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil.

V. PUBLIC QUESTION AND STATEMENT TIME

[7:15:44 PM](#) Mrs K Wals, Lot 2 Baxteri Road, Cheyne Beach

Mrs Wals tabled address was presented by the CEO on her behalf. The tabled address is detailed at Appendix B. Summary of key points:

- Reserve is surrounded by approximately 3500 ha of National Park
- Would like to see the same contract agreements apply to the new freehold developers as the current leaseholders
- First choice to current leaseholders in remaining in current leased property
- No double storey or split level housing
- No domestic pets
- Minimal clearing of vegetation and no boundary fencing

[7:18:13 PM](#) Ms J Flottman A/ Director UWA Centre, Albany

Ms Flottman read to the meeting a letter from Pro Vice Chancellor of UWA, Ms Jane Long. The tabled letter is detailed at Appendix B. Summary of key points:

- Renegotiation of library service agreement with City

[7:23:19 PM](#) Mr David Clarke, 760 Chesterpass Road, Albany

Mr Clark's tabled address is detailed at Appendix B. Summary of key points:

- Negotiation of new collective agreement
- Depot staff forced to commence protected industrial action on 30 September 2010
- Employee negotiation team have amended claim several times to try to find common ground with employer
- Rationalisation or outsourcing of city services
- ALAC staff have been told to take pay cut so that café can remain open
- Why do councillors think that this is fair?
- It is councils intention to cut costs at the expense of city employees
- Job losses as a result of cost cutting

[7:27:41 PM](#) Mr Tony Stanton, Little Grove

Mr Stanton's tabled address is detailed at Appendix B. Summary of key points:

- Rationalisation of city services
- Hoped that council would not consider outsourcing ALAC café and gym
- Undercurrent of opposition to council managing café and gym
- Since opening in 2008 café has been source of ongoing attempts to lease it out
- Mr Stanton has addressed council previously regarding this
- What return on capital outlay would council expect?
- ALAC is major asset and part of the City of Albany "brand image"

7:31:39 PM Mr John O’Dea, Bushby Road

Summary of key points:

- Is there a protocol allowing councillors to speak openly?
- Mayor and CEO should be the only ones addressing the community
- Advertisement in local paper did not tell the truth-all signatories to this should make an apology to councillors concerned
- City staff must be looked after
- Council must make sure that community is looked after as well
- Urged council to be realistic and caring for the community

7:34:54 PM Mr David Kelly, Cheynes Beach Lease

Summary of key points:

- Increase in lease payments for holiday accommodation at Cheyne Beach
- What services will be provided for increase in lease payments?
- Why should they pay more when no services are increased?

7:36:56 PM Mr Tony Harrison, Little Grove

Summary of key points:

- Support off shore dumpsite for dredging spoil
- Change of dumping site
- Wave power-roughest ocean in Australia
- Has written to Governor General to reverse decision-tabled letter
- Look after the environment or we will all lose out
- King George Sound is the jewel in our crown
- Wants council to write to minister to appeal decision

7:41:12 PM Ms Vera Torr, Sussex Street

Summary of key points:

- More representatives are needed from the community to serve on the Streetscape Committee
- Council can advertise for community members to nominate for the committee
- What was Councils rationale for placing the Peace Pole in Alison Hartman Gardens?
- Pavers in Stirling Terrace- this is a heritage area and should not be paved

Through the Deputy Mayor, EDWS K Ketterer replied that Alison Hartman Gardens was considered to be a generic location, while the Peace Park was seen to represent the ANZAC tradition, and a such not considered an appropriate location for the Peace Pole.

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

Presiding Member

Deputy Mayor Wellington

Councillors:

| | |
|---------------------|-------------|
| Breaksea Ward | R Hammond |
| Breaksea Ward | J Bostock |
| Frederickstown Ward | J Swann |
| Kalgan Ward | C Holden |
| Kalgan Ward | M Leavesley |
| West Ward | D Dufty |
| West Ward | D Wolfe |
| Yakamia Ward | J Matla |
| Yakamia Ward | R Sutton |
| Vancouver Ward | D Bostock |

Staff:

| | |
|---|--------------|
| Chief Executive Officer | J Bonker |
| E/Director Corporate & Community Services | WP Madigan |
| Executive Director Works & Services | K Ketterer |
| Executive Director Development Services | G Bride |
| Executive Manager Business Governance | S Jamieson |
| Assistant Business Governance Officer | J Williamson |

Members of the Media and Public

Four members of the media and approximately 100 members of the public were in attendance.

Apologies/Leave of Absence:

| | |
|----------------|--------------|
| Mayor | M J Evans JP |
| Vancouver Ward | R Paver |

VII. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

[7:46:20 PM](#) Councillor Dufty left the chamber.

ITEM 8.0: RESOLUTION 1

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR MATLA

THAT the minutes of the Ordinary Council Meeting held on 21 September 2010, as previously distributed, be confirmed as a true and accurate record of proceedings.

CARRIED 10-0

ITEM 8.0: RESOLUTION 2

MOVED: COUNCILLOR SWANN

SECONDED: COUNCILLOR MATLA

THAT the minutes of the Special Council Meeting held on 28 September 2010, as previously distributed, be confirmed as a true and accurate record of proceedings.

CARRIED 10-0

IX. DECLARATIONS OF INTEREST

| Name | Item Number | Nature of Interest |
|--------------------|-------------|--|
| Councillor Hammond | 4.2 | <p>Impartiality. The nature of the interest being that Councillor Hammond is the proprietor of a tourism business.</p> <p>Councillor Hammond remained in the chamber and participated in the discussion and vote.</p> |

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

4.6 Elected Member Mediation-Report

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

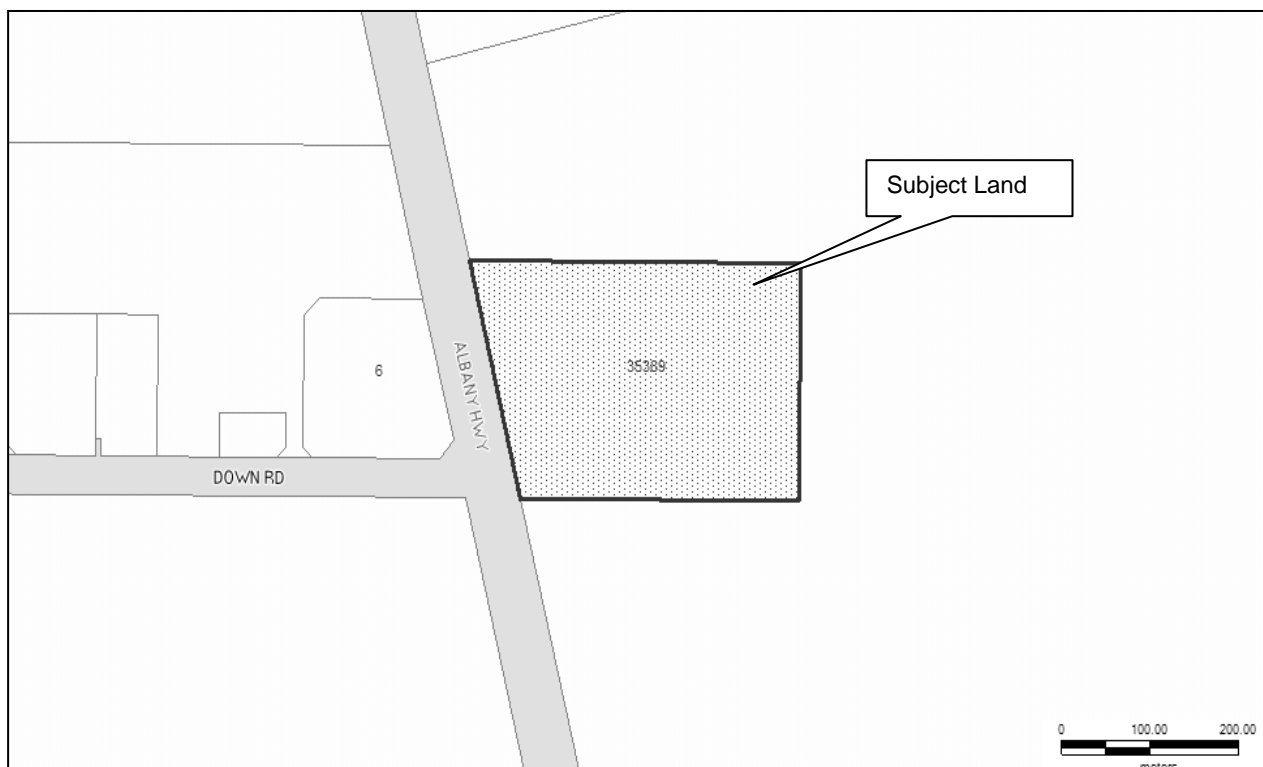
XII. ADOPTION OF RECOMMENDATIONS EN BLOC

Nil.

1.1: DEVELOPMENT APPLICATION - USE NOT LISTED (KENNELS AND CATTERY) - 35389 ALBANY HIGHWAY, DROME

| | |
|-----------------------------------|---|
| File Number (Name of Ward) | : A4945 (Kalgan Ward) |
| Land Description | : 35389 Albany Highway, Drome |
| Proponent | : C & V Mostert |
| Owner | : C & V Mostert |
| Appendices | : Application for Planning Scheme Consent |
| Consulted References | : Town Planning Scheme No.3 Environmental Protection Authority - <i>"Separation Distances between Industrial and Sensitive Land Uses (2005)"</i> Animals Local Law 2001 |
| Councillors Lounge | : Copies of Submissions |
| Reporting Officer(s) | : Assistant Planning Officer (T Gunn) |
| Responsible Officer | : Executive Director Development Services (G Bride) |

Maps and Diagrams:



IN BRIEF

- The proposal is for a Use not Listed, being Kennels and Cattery involving a maximum of 22 dogs and 20 cats.
- The proposal was advertised to surrounding landowners with two (2) submissions objecting to the proposal on the grounds of noise and odour.

- It is recommended that the proposal be supported subject to conditions as the development meets the minimum separation distances as recommended by the EPA.

BACKGROUND

1. An application has been received for kennels and a cattery at 35389 Albany Highway, Drome. The site is approximately 15 to 20 minutes from the town centre and directly across the road from Mount Romance.
2. The site is over 8.4 hectares in area and is zoned "Rural" under Town Planning Scheme No. 3 (TPS 3).
3. In accordance with the requirements of TPS 3 the application was advertised for public comment, as the use is not listed within the use class table. Nearby landowners to the site were notified, a site notice was placed on the front of the property and an advertisement was placed in a local newspaper. The advertising period closed on the 9 September 2010 and two (2) public submissions were received; both were opposed to the application as detailed further under Paragraphs 16 - 19.
4. The application has been referred to Council for consideration, in accordance with the requirements of Council's "*Processing Planning Applications*" guidelines.

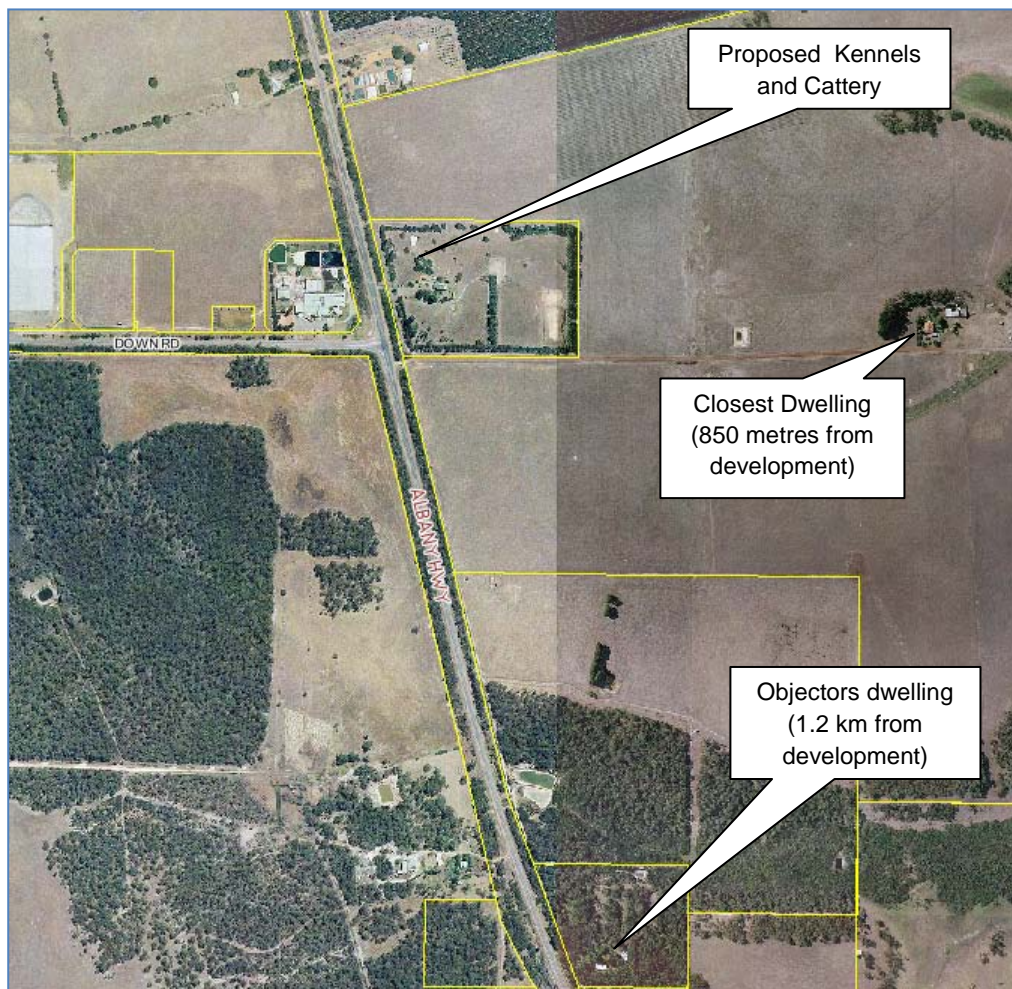
DISCUSSION

5. The applicant's original application proposed to alter and modify an existing 14.5m x 9m outbuilding to use for 12 dog kennels, whilst identifying separate external kennels to the east of the main kennel structure accommodating a further 10 kennels. This proposal identified 22 dog kennels overall.
6. Since the application was submitted and referred to neighbouring property owners, staff have identified that some components of the proposal do not comply with the detailed kennel requirements stipulated within Council's Animals Local Law 2001. Specifically the proposed external (outdoor) kennels needed to be housed within a structure and lined with concrete and all of the kennels were required to have direct access to a 2.5m² concrete surfaced yard. Staff have discussed these requirements with the proponent, and an amended site plan has been received repositioning the external kennels into the outbuilding (which will be extended to the north) and ensuring that all kennels have direct access to concrete yards. The same number of kennels as per the original application have been identified on the amended proposal (ie. 22 dog kennels).
7. The kennel structure will cater for 22 internal kennels, with adjacent yards and include a new grooming/holding room and kitchen area. The yards will be fitted with 1.8 metre high link mesh fencing as required by the Local Law.

8. The cattery structure is 14.2m x 6.3m with a wall height of 2.4m and a ridge height of 3.9m (not including the skillion verandah). In addition to the cat enclosures, a kitchen/office and a disabled toilet is also included. The cattery will cater for a maximum of 20 cats with 11 inside enclosures and 9 inside closures which includes a caged outside exercise area.
9. With the above changes all other components of the Animals Local Law for kennels and catteries have been met, meaning Council can issue a kennel and cattery licence should it grant Planning Scheme Consent for the proposal. The amended site plan and building elevations are included in the Appendices Booklet.
10. All structures are setback over 30m from the front boundary and are a minimum of 18m from all other lot boundaries, which is well in excess of the setback requirements for rural zoned land under TPS 3.
11. The applicant has informed Council the business will be open 24 hours a day 7 days a week, with the drop off and pickup times being by appointment only and restricted to the hours of 7.00am - 10.00am, Monday to Friday.
12. The applicant has proposed in total 8 parking bays for the use, 5 of which are located adjacent to the cattery and the other 3 being adjacent to the kennels. Although TPS 3 does not specify a parking standard for the proposal staff are satisfied that the parking provided is more than adequate to accommodate patrons; there is also sufficient space for overflow parking if required.
13. The major issue associated with the proposal relates to noise and odour management. The Environment Protection Authority (EPA) has identified minimum separation distances for kennels and catteries from sensitive premises (ie. single dwellings). For kennels and catteries the EPA recommends a minimum buffer distance of 500 metres and 200 metres respectively. The proposal is setback approximately 850 metres from a dwelling to the east and 1.2 kilometres from the dwelling to the south (an objection from the occupants of this dwelling was received). Based on the above the proposal meets the minimum buffer distances for noise and odour associated with Kennels.
14. The proponent has identified an effluent disposal system which includes a solids trap and diversion of liquid waste to leach drains that will ensure odour and environmental concerns are adequately addressed. The solid waste will be collected regularly and deposited in a small worm farm adjacent to the kennels. The applicant has advised that cleaning of the kennels with appropriate sanitary washes will occur on a daily basis to ensure hygiene is maintained.
15. The proposal was referred to the Water Corporation and Main Roads WA for comment. The Water Corporation had no objection to the proposal, subject to adequate measures being put in place for effluent disposal. Main Roads WA have requested that vehicular access to the development be gained from an existing crossover further to the north to avoid any conflict with the intersection of Down Road and Albany Highway. This can be requested as a condition of planning scheme consent.

PUBLIC CONSULTATION / ENGAGEMENT

16. As previously stated a total of two (2) public submissions were received during the advertising period, both were from occupants of the same residence and were opposed to the application. Although their formal comments are included in the Councillors Lounge a précis appears below:
- There are already a number of kennels and cattery's in the region, with one approximately 5km away from this site.
 - The proposed application is only 1.2km away from their property. Why is the City of Albany considering an application for kennels and cattery in this location?
 - Inappropriately located given the proposal is within close proximity to dwellings and Mount Romance with the proposal resulting in noise from barking day and night within the small confinement enclosures for the animals.
 - Approving the application will devalue properties within the area, and it will also make it difficult to sell properties in the future.
 - Impact on neighbours in terms of noise and smell and would affect assets, way of life and health.
 - The application would result in the increase of dumping cats and kittens in the area, which would negatively affect the bird population within the area.
17. The site map below identifies the location of the development and the proximity to neighbouring dwellings (considered to be 'sensitive premises' by the EPA).



18. In response to the issues raised in the submissions it is advised that:

- There is no legislation that would limit the number of kennels that can be approved within the City (each application must be considered on it's merits).
- The development is setback well in excess of the recommended 500 metre separation distances for a cattery and kennels as recommended by the EPA.
- The proposed floor plans and cage dimensions of the kennels and cattery comply with the City of Albany Animals Local Law 2001. In addition to the proposal meeting the noise and odour buffers recommended for such development by the EPA, it is recommended that a condition be placed on the development to provide noise insulation within the walls of the proposed kennels to further reduce the incidence of noise when the dogs are confined.
- The proponent has proposed to collect solid waste and dispose of through a small onsite worm farm, with liquid waste being collected and diverted into the proposed effluent disposal system.

19. The majority of the concerns identified in the submissions relate to the impact the proposal will have on the amenity and value of their land, based primarily on the issue of noise. The proposal is sited 1.2 kilometres from the objectors dwelling, and given separation distances recommended by the EPA have been achieved, and the kennels and cattery have been designed to comply with the requirements of Council's Animals Local Law, staff believe the proposal should be approved subject to conditions.

GOVERNMENT CONSULTATION

20. The proposal was referred to Main Roads WA and also the Water Corporation as they own the adjacent lot. Both agencies formal responses are included in the Councillor Lounge but a précis appears below.
21. Main Roads WA have advised they have no objections to the application subject to conditions to ensure that access to the property does not interfere with future upgrades to the Down Road intersection. This includes closing the existing crossover for the driveway to the house and reinstating and revegetating the reserve to the satisfaction of Main Roads and restricting vehicle access to and from the site to the crossover and driveway at the northern end of the property.
22. The Water Corporation have no objections to the application on the proviso that all effluent from the property is appropriately treated and disposed of, so as to have no impact on groundwater quality. The Water Corporation have advised that this is due to the corporation owning land which bounds the subject site on three sides and this land is earmarked for a future tree lot to reuse wastewater as irrigation water from the Albany Wastewater Treatment Plant. If Council considered it appropriate to approve the application it would be a condition of approval that the effluent disposal system would be designed and constructed to the satisfaction of both Council and the Water Corporation.
23. The Department of Environment and Conservation (DEC) were also contacted however they advised that they did not need to comment on the application.

STATUTORY IMPLICATIONS

24. Clause 3.2 of Town Planning Scheme No.3 requires that where an application is received and that use is not contained within the Zoning Table and cannot be reasonably determined as being comparable to a use that is listed, the Council may determine that the proposed use:
- a) *is considered to be consistent with the objectives of the zone and is therefore permitted;*
 - b) *may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 5.1.2.4 in considering an application for planning approval; or*
 - c) *is not consistent with the objectives of the particular zone and is therefore not permitted.*

25. Whilst the use is not listed within the zoning table, it is clear that the only zoning that could accommodate kennels and catteries would be the rural zone given the separation distances required for this development.
26. The objective for the Rural zone within TPS 3 is:
“To ensure high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complimentary to such interests. To preserve rural land within easy reach of urban areas.”
27. As the proposal does not hinder agricultural production or conflict with farming interests staff are satisfied that the proposal is consistent with the zone objectives.
28. In addition to applying for planning scheme consent, the proponent will be required to make application under the City’s Animals Local Law 2001 to obtain a licence for the kennels and cattery. The proposal complies with the requirements of the Local Law and a licence can be issued should Council grant planning scheme consent. Council’s Environmental Health officer’s will undertake annual inspections to ensure the kennels and catteries are meeting the requirements of the licence approval.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

32. Council could refuse the application and the applicant would then be entitled to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

SUMMARY CONCLUSION

33. This application is for kennels and a cattery at 35389 Albany Highway, Drome to cater for a maximum of 22 dogs and 20 cats. Since the completion of advertising, staff have met with the proponents in relation to compliance concerns with the Animals Local Law. Based on these concerns the proponent has deleted the identified 'external kennels' from the plan and relocated them within the extended outbuilding structure.
34. The majority of issues expressed in the public submissions were concerned with a perceived loss of amenity, particularly through noise. The development however complies with the minimum separation distances as recommended by the EPA, and appropriate noise attenuation measures will be placed on the internal walls of the kennels building through a planning condition.

ITEM 1.1 – RESPONSIBLE OFFICER RECOMMENDATION

THAT a notice of Planning Scheme Consent be ISSUED for a Use Not Listed – Kennels and Cattery at 35389 Albany Highway, Drome subject to the following conditions:

- A. The proposed effluent disposal system for the property is required to be designed and constructed in accordance to the specifications and satisfaction of both Council and Water Corporation.
- B. The kennels and associated individual yards shall be surfaced in smooth concrete with adequate drainage measures to capture and divert effluent and sanitation liquid into the approved effluent disposal system.
- C. All parking spaces being marked out and maintained in good repair to the satisfaction of Council.
- D. The existing vegetation along the front boundary is to be maintained in a good condition to the satisfaction of Council, and is not to be removed unless otherwise agreed in writing by or on behalf of both Council and the Department of Environment and Conservation.
- E. No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Bylaws.
- F. Customer/client attendance on the site is restricted to the hours of 7.00am till 10.00am Monday to Friday only unless otherwise agreed in writing by or on behalf of Council.
- G. Noise attenuation measures being applied to the internal walls of the Kennel structure to the satisfaction of Council.

- H. Stormwater disposal is to be designed and managed in accordance with the City of Albany's Subdivision and Development Guidelines.
- I. The picking up and setting down of the animals to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- J. The existing house driveway shall be removed and revegetated, at the proponents cost, as the driveway interferes with planned Main Roads WA upgrades on the eastern boundary of the road reserve, with the northern crossover used for access purposes.
- K. No Stormwater shall be discharged into the Albany Highway road reserve.
- L. The maximum number of animals to be accommodated within the kennel and cattery structures shall not exceed 22 dogs and 20 cats without the prior approval of Council.

AMENDED OFFICER RECOMMENDATION

[7:48:31 PM](#) Councillor Dufty returned to the Chamber.

1.1 – AMENDED OFFICER RECOMMENDATION

THAT a notice of Planning Scheme Consent be ISSUED for a Use Not Listed – Kennels and Cattery at 35389 Albany Highway, Drome subject to the following conditions:

- A. The proposed effluent disposal system for the property is required to be designed and constructed in accordance to the specifications and satisfaction of both Council and Water Corporation.
- B. The kennels and associated individual yards shall be surfaced in smooth concrete with adequate drainage measures to capture and divert effluent and sanitation liquid into the approved effluent disposal system.
- C. All parking spaces being marked out and maintained in good repair to the satisfaction of Council.
- D. The existing vegetation along the front boundary is to be maintained in a good condition to the satisfaction of Council, and is not to be removed unless otherwise agreed in writing by or on behalf of both Council and the Department of Environment and Conservation.
- E. Noise attenuation measures being applied to the internal walls of the Kennel structure to the satisfaction of Council.
- F. Stormwater disposal is to be designed and managed in accordance with the City of Albany's Subdivision and Development Guidelines.
- G. The picking up and setting down of the animals to and from the premises shall be

carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.

- H. The existing house driveway shall be removed and revegetated, at the proponents cost, as the driveway interferes with planned Main Roads WA upgrades on the eastern boundary of the road reserve, with the northern crossover used for access purposes.
- I. No Stormwater shall be discharged into the Albany Highway road reserve.
- J. The maximum number of animals to be accommodated within the kennel and cattery structures shall not exceed 22 dogs and 20 cats without the prior approval of Council.

ADVICE NOTE:

- A. No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Bylaws.

ITEM 1.1: RESOLUTION (Amended Officer Recommendation)

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR WOLFE**

THAT the Amended Officer Recommendation be ADOPTED.

CARRIED 10-1

Against the Motion: Councillor D Bostock

Staff Reason (G Bride):

Staff have proposed to delete Condition F, which related to customer attendance on the site, as it is agreed it is an unnecessary strict condition that would be difficult to enforce; these customer attendance hours were initially proposed by the proponent, however if customers come at other times this would have no impact on the operation of the use or impact on neighbours.

Staff have also proposed to turn Condition E into an advice note, rather than a condition, to make the applicant aware that any signage requires the approval of Council.

1.2: DEVELOPMENT APPLICATION – GROUPED DWELLINGS x 12 – 18 QUEEN STREET, LITTLE GROVE

File Number (Name of Ward) : A 54580 (Vancouver Ward)
Land Description : (Lot 3) 18 Queen Street, Little Grove
Proponent : Yaran and Mikasa Designs
Owner : Queen 18 Pty Ltd (Yaran Property Group)
Business Entity Name : Yaran / Mikasa Designs
Previous Reference : OCM 21/10/08 item 11.1.3
Appendices : Development Application
Consulted References : Residential Design Codes
 Little Grove Structure Plan
 Town Planning Scheme No. 3
Reporting Officer(s) : Senior Planning Officer (J van der Mescht)
Responsible Officer(s) : Executive Director Development Services (G Bride)



IN BRIEF

- A development application has been received for 12 Grouped Dwellings (11 single bedroom dwellings and an existing dwelling) at Lot 3 (10-18) Queen Street, Little Grove.
- The application generally meets the requirements of the R-Codes and the Little Grove Structure Plan.
- It is recommended that the development application be approved subject to a number of conditions.

BACKGROUND

1. The subject lot is located within an area zoned “Residential Development” in Town Planning Scheme No. 3. The land is identified within Precinct 1 of the endorsed Little Grove Structure Plan area.
2. An application for nine (9) grouped dwellings was received in 2008 for the subject lot.
3. The proposal was tabled for consideration at the OCM of 21/10/08 (Item 11.1.3) whereby Council decided to defer its decision on the matter to *“allow time for Council to seek legal advice to establish if Clause 5.16 of the TPS 3 can legally negate clause 5.5.1 of the TPS 3.”*
4. This item was subsequently removed from the Council agenda and a decision on this application was deferred until the Little Grove Structure Plan was adopted by Council and endorsed by the Western Australian Planning Commission.
5. The Little Grove Structure Plan was adopted by Council at it’s meeting dated 15 December 2009 and subsequently endorsed by the WAPC.
6. Since the original grouped dwelling application was presented to Council the proponent has lodged amended plans dated 23rd of August 2010 and has requested Council considers the revised proposal.
7. The modified proposal is for a group dwelling application that includes 11 single bedroom dwellings and the existing dwelling.
8. A corresponding survey strata subdivision application has been submitted to the WAPC and has been forwarded to the City for comment. Staff have formally advised the WAPC that until such time as Council has considered the development application it will not provide formal comment on the separate survey strata application.

DISCUSSION

9. The proposed development is for 11 single bedroom dwellings (maximum 60 m² floor area) in addition to the existing dwelling.
10. Single bedroom dwellings are defined by the R-Codes as special purpose dwellings that are designed to accommodate one or two person households. As these dwellings have limited floor area and a restricted number of occupants, they do not generate the same demand for open space and car parking. The R-Codes recognise that single bedroom dwellings assist in providing housing diversity and meet the growing demand for smaller dwellings, as the number of occupants per dwelling continues to decrease. For these reasons the Codes allocate a density bonus for this type of development, being a reduction in the required site area per dwelling by one third (33%).
11. The Town Planning Scheme stipulates an R-Coding of R20 for sewered residential lots, however for land zoned “Residential Development”, this density can be amended by an endorsed Structure Plan.

12. The Little Grove Structure Plan varies the R20 density coding by allowing the minimum lot size down to 300m² rather than 440m² as advocated by the R-Codes, but maintains the average density of 1 dwelling per 500m². Specifically the Little Grove Structure Plan states:

“4.3 Density

The density provisions as conferred by the Town Planning Scheme are hereby varied such that the following density provisions apply:

- A. The Council will support land within Precincts 1 and 2 being subdivided into lot sizes not less than 300m² with a min average of 500m²;*
- B. Land within Precincts 1 and 2 may be developed for residential purposes at a density of one dwelling per 500m²”.*

13. The Little Grove Structure Plan also includes the following statement that requires all other requirements of the R-Codes to be met:

“4.13 Residential Design Codes

A. Unless stated otherwise in the plan, all development within the plan area shall comply with the adopted Residential Design Codes (2008) or any Act/order/document revoking or re-enacting the Residential Design Codes 2008.”

14. The subject lot size is 5058m², and based on 12 grouped dwellings the proposal produces a minimum average site area of 421m², with no unit area (identified as a future survey strata lot) being below 300m².
15. As discussed in Paragraph 10 above, the R-Codes allows for a one third reduction to the minimum site area if a lot will be used and developed for single bedroom dwellings. Applying this density bonus the minimum site areas can be reduced to an average of 333m² per unit for the 11 single bedroom units (from 500m²) and 500m² for the existing house (therefore a total site area of 4166m² would be required to accommodate the development proposed). The subject land is well over this area at 5058m².
16. With the density reduction being applied to the development as permitted under the R-Codes the proposal complies with the minimum site area.
17. The floor plans associated with the dwellings have a plot ratio of 60m² (which excludes the garage as per the plot ratio definition within the R-Codes) and identifies a single dedicated bedroom in addition to a multi-purpose room. The units therefore meet the criteria associated with a single bedroom dwelling.
18. The proposed vehicular access to 11 of the dwellings will be via a common property access leg that connects with Queen Street, with one dwelling having separate access from Queen Street and the existing house being accessed from Wilson Street.

19. The common property access ways and the access arrangements to units 11 and 12 will have to be constructed as condition of this application and the subdivision application.
20. An excavation of approximately 1.5 metres (although in one corner up to 2.2 metres) and associated retaining wall of the same height is proposed for the southern part of the building area of proposed Unit 11. This excavation will allow for a level courtyard area of 25m².
21. The excavation and associated retaining is setback a considerable distance from the road and all other boundaries and seeks to retain the building area rather than the wider lot.
22. Whilst the excavation and retaining meets the acceptable development criteria of the R-Codes, the proposed works do not specifically meet the requirements specified within the Little Grove Structure Plan, specifically the following:

 “4.8 Earthworks

 A. *The maximum height of a standalone retaining wall is to be no higher than 1.0 m, with a maximum change in the height of the natural ground level being limited to 500mm.*

 B. *Compliance with condition 4. 8 A is not required where the walls of a building are being used to retain material.”*
23. Given the wall will not protrude above natural ground level the visual impression of the site’s natural topography will be retained, and on this basis staff recommend support for the earthworks and retaining proposed.
24. In relation to the front setback requirements the Little Grove Structure Plan identifies a 6 metre setback requirement. Units 1 to 4 are setback 5 metres, and it is recommended that this setback be increased to 6 metres via planning condition.
25. The proposed development meets the other acceptable development requirements of the R-Codes and the Little Grove Structure Plan including minimum driveway widths, parking provision, domestic storage requirements and minimum courtyard areas. It is therefore recommended that the development is approved subject to a number of conditions that will address the above mentioned matters, in addition to the requirement for the revegetation of the front setback (6 metre strip of land) adjacent to Queen Street and Wilson Street.
26. The use and further development of the dwellings will also be restricted to that of single bedroom dwellings as a proposed condition of subdivision that will require the placement of a restrictive covenant on the titles of proposed Lots 1-11.

GOVERNMENT CONSULTATION

27. Consultation between the applicant and the Water Corporation regarding a sewer connection to the lots and the strategic alignment has commenced. The connection of the development to reticulated sewer will be a condition of the development.

STATUTORY IMPLICATIONS

28. Grouped Dwellings is an 'A' use (discretionary use) in the 'Residential Development' zone.
29. As the Little Grove Structure Plan has been approved by Council, development can be considered by Council in accordance with Clause 5.5.1 of the Scheme.
30. The proposed development, where amended through the conditions proposed by staff, complies with the Little Grove Structure Plan (with the exception of the cutting involved for one unit) the Town Planning Scheme and the Residential Design Codes.

STRATEGIC IMPLICATIONS

31. The proposal is consistent with the objectives and outcomes of ALPS, specifically, Section 8.3.2:

“Strategic Objective:

Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes.”

- *Facilitate and manage sustainable growth for the urban area in the City of Albany.*
- *Support the consolidation of serviced urban areas and facilitate staged fully-serviced urban frontal development nodes.*
- *Support urban infill development based on compatibility of land uses and infrastructure capacity.*
- *Protect areas designated as future fully-serviced urban areas from inappropriate land uses, subdivision and development.*

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

32. Council has the option to refuse the proposal, however this may prompt the proponent to lodge an appeal with the State Administrative Tribunal. This would have associated cost implications for the Council.

SUMMARY CONCLUSION

33. As discussed in this report the proposed development generally meets the acceptable development requirements of the Town Planning Scheme 3, the Little Grove Structure Plan and the R-Codes and can therefore be approved subject to conditions.
34. Despite the small size of the units, the development has been sympathetically designed as indicated on the 3D elevations submitted with the proposal. Through the provision of wider lot frontages facing public roads (around 16 metres in width) and front setbacks of 6 metres, the development has attempted to blend in with existing development. This is further strengthened by the lack of crossovers (driveways) fronting Queen Street and the provision of landscaping within front setback areas.

[7:50:55 PM](#) Councillor Hammond left the Chamber.

ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION

THAT a Notice of Planning Scheme Consent be ISSUED for 12 Group Dwellings (11 Single Bedroom Dwellings and 1 existing dwelling) at Lot 3, 10-18 Queen Street, Little Grove, subject to the following conditions:

- A. Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade.**
- B. All runoff from impervious surfaces being contained within the property and disposed of to Council's satisfaction.**
- C. The main access driveway / share crossover accessing Queen Street shall be designed and constructed to allow vehicles to pass in opposite directions to the satisfaction of Council.**
- D. Any existing crossovers not included as part of the proposed development on the approved plan being closed and the kerb, footpath and the verge reinstated.**
- E. All access-ways are to be constructed and drained at the applicants cost to the satisfaction of Council.**
- F. The proposed access-way fronting Units 5 to 10 shall have a minimum paved width of 4 metres in accordance with the R-Codes.**
- G. The applicant is required to upgrade that portion of Queen Street fronting the subject land, inclusive of a new turn around area (cul-de-sac or hammerhead arrangement) subject to the satisfaction of Council.**
- H. Units 1 to 4 (inclusive) shall be setback a further 1m to meet the 6m setback requirement.**
- I. Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence. These plans should not include the eleven weeds identified by the City of Albany as undesirable in this locality.**
- J. The 6 metre portion of the lot adjoining Queen Street and Wilson Street being landscaped and provided with a dense planting of vegetation prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. These areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m² of area. All landscaped areas are to be maintained in good condition thereafter.**
- K. All lots/dwellings shall be connected to reticulated water and sewer to the satisfaction of Council and the Water Corporation.**

- L. All work is to be in accordance with the City of Albany's Subdivision and Development Guidelines.**

ITEM 1.2: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR MATLA**

THAT the Responsible Officer Recommendation be ADOPTED.

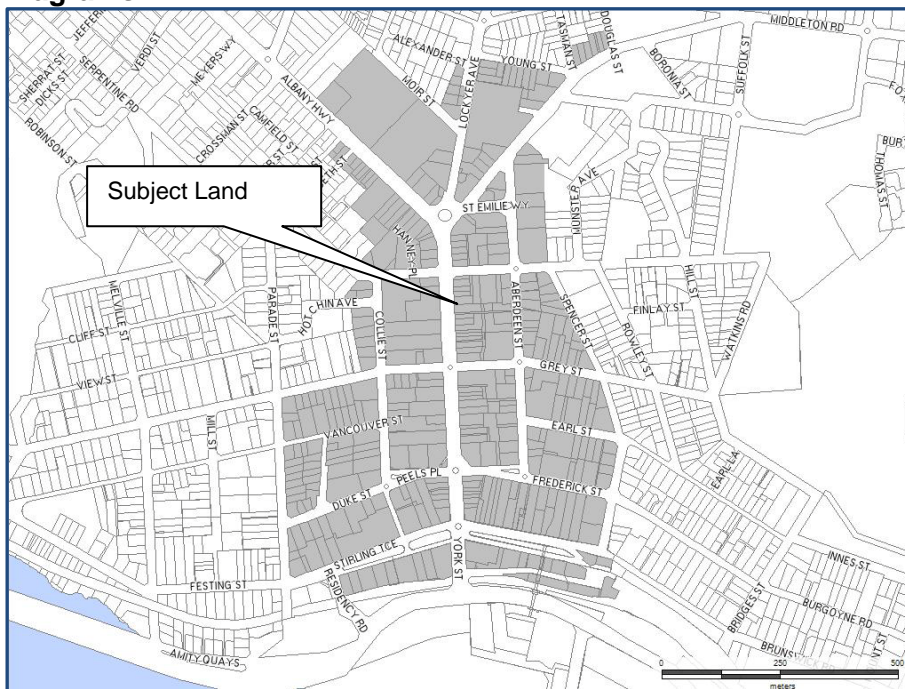
CARRIED 10-0

1.3: RECONSIDER FINAL APPROVAL OF SCHEME AMENDMENT – CHANGE OF RESIDENTIAL DENSITY CODES IN THE ‘CENTRAL AREA’ ZONE AND SURROUNDING RESIDENTIAL AREAS

[7:51:51 PM](#) Councillor Hammond returned to the Chamber.

- File Number (Name of Ward)** : AMD 161 (Frederickstown Ward)
- Land Description** : All lots fronting and within the area bounded by Princess Royal Drive, Spencer Street, Serpentine Road East, Aberdeen Street, Middleton Road, Young Street, Alexander Street, Albany Highway, Serpentine Road, Grey Street West and Parade Street.
- Proponent** : City of Albany
- Owner** : Various
- Previous Reference** : OCM 19/06/07 – Item 11.3.9
: OCM 19/08/08 – Item 11.3.7
: OCM 17/08/10 – Item 1.7
- Attachment(s)** : Schedule of Submissions
- Consulted References** : WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) SPP 3 & SPP3.5
Albany Local Planning Strategy
- Councillor Lounge** : Nil (refer Appendices 17/8/10 – Item 1.7 for Amendment Document and Copies of Submissions)
Copy of OCM 19/06/07 – Item 11.3.9
Copy of OCM 19/08/08 – Item 11.3.7
- Reporting Officer(s)** : Planning Officer (C McMurtrie)
- Responsible Officer(s)** : Executive Director Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Reconsider final approval of the Scheme Amendment to change the Residential Density Codes in the 'Central Area' zone and surrounding residential areas, in view of the modifications proposed by the Western Australian Planning Commission and the submissions received from the subsequent public consultation period.
- Recommended that amendment be adopted for final approval subject to modifications.

BACKGROUND

1. At its meeting dated 17 August 2010 Council considered the above item and resolved to defer consideration of the item to consider the full implications of the amendment. A presentation by staff on the amendment was undertaken at the Elected Members Workshop dated 28 September 2010, and the proposal is represented to Council for consideration.
2. Council resolved to initiate Amendment 161 to Town Planning Scheme (TPS) No. 1A at its Ordinary Meeting on 19 June 2007. The Amendment proposed to change the Residential Density Codes in the 'Central Area' zone and surrounding residential areas as follows:
 - 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;
 - iii) 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; and
 - vi) recoding lots adjacent to Stirling Terrace, Duke Street and Parade Street from R160 to R60.
3. The Amendment was drafted by Gray & Lewis Land Use Planners on behalf of the City of Albany and initiated by Council following the State Administrative Tribunal's (SAT) review (June 2006) of the decision of the City of Albany to refuse a Development Application for multiple dwellings (x38 units) on Lots 9 and 12 Earl Street, Albany. The SAT made reference to the undesirability of an R160 coding adjoining an R30 coding, which had given rise to considerable planning difficulties in the case of this development proposal.
4. The proposed Amendment was supported by key stakeholders in a workshop conducted by the City in September 2007 and was then subsequently referred to State Government agencies and advertised to the public from 30 January 2008 to 6 March 2008 for comment.
5. Following this advertising period, the various submissions were considered and the Amendment was reported to the Ordinary Meeting of Council on 19 August 2008, where it was resolved:

“THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005, resolves to adopt Amendment No. 161 of the City of Albany’s Town Planning Scheme No. 1A by:

(i) Inserting into the Scheme Clause 4.23 as follows:

“Within the area zoned Residential R30/40 and Residential R30/60 on the Scheme Map the base code of R30 will apply and may at the discretion of Council be increased to a higher code up to a maximum of R40 and R60 respectively where the development in the opinion of Council:

- a) retains an existing house which has historic character, is worthy of retention and positively contributes to the existing streetscape; and*
- b) the new dwelling units have architectural elements which complement the existing historic / character dwelling creating an integrated design; or*
- c) retains an existing house which is worthy of retention, positively contributes to the existing streetscape, and is of excellent quality with a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling);*
- d) the new dwelling units and existing dwelling have common architectural elements creating an integrated design; and*
- e) has a high level of compliance with any relevant Local Planning Policy or Character Precinct Guidelines adopted by Council.”*

(ii) Amending the Scheme Maps by:

- a) recoding the Albany Central Area adjacent to York Street, Stirling Terrace and the “top roundabout” from R160 to R-IC;*
- b) recoding lots adjacent to Aberdeen Street, Serpentine Road, Middleton Road, Hotchin Avenue, Tasman Street, Grey Street West, Young Street and Collie Street inclusive of Lots 39 Hotchin Avenue, Lot 10 Grey Street West, Lot 148 Tasman Street, Lots 9, 100, 101, 30, 29 and 28 Collie Street, Lots 8, 5, 52, 53, 54, 49, 501, 51 and 4 Middleton Road, Lots 1, 2 and 3 Young Street, Lots 1, 2, 2 and 47 Serpentine Road and Lots 29, 28, 27, pt 66, 60 and 17 Aberdeen Street from R30 to R40;*
- c) recoding lots bordered by Serpentine Road, Aberdeen Street, Spencer Street and Frederick Street (up to the western boundary of Lot 102 Earl Street and Lot 1447 Frederick Street) and excluding the land identified in point d below, from R30 to R30/R60;*
- d) recoding of lots adjacent to Frederick Street, Earl Street, Stirling Terrace, Duke Street and Parade Street inclusive of Lots 19, 123 and 41 Stirling Terrace, Lot 40 Frederick Street, Lot S50 Parade Street, Lots 17, 10, S47, S46, 18, 15 and portion Reserve 29419 Duke Street and Lots 142, 201, 7 and 200 Earl Street from R160 and R30 to R80; and*
- e) recoding lots bordered by Collie Street, Duke Street, Parade Street and Grey Street West from R30 to R30/R40.*

AND

THAT Council receive the Schedule of Submissions and adopts the officer’s recommendation to dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.”

6. Following this resolution, the Amendment was forwarded to the Western Australian Planning Commission (WAPC) for final approval by the Minister for Planning. However, prior to granting final approval, a number of modifications to the proposal were recommended by the Minister's Office. Due to the significance of these modifications, they were referred to State Government agencies and advertised to the public from 21 January 2010 to 4 March 2010 for comment.
7. The modifications and various comments received from the advertising period must now be considered, to ascertain whether Council is supportive of the proposed changes.

DISCUSSION

8. The original purpose of the Amendment, as outlined above, is to change the Residential Density Codes in the 'Central Area' zone and surrounding residential areas from R160 and R30 respectively to R-IC, R60 and R40 to achieve compatible building design throughout.
9. R40 and R60 are considered to be medium density codings and were chosen to act as a transition from the higher density (R-IC) in the central area to the adjoining lower density (R30) areas. However, following public advertising of the Amendment in 2008, a number of submissions were received raising concerns over the impact that these medium density codes could have on the historic residential areas adjacent to the central area, which are considered to have an established urban character and streetscape values unique to Albany.
10. Consequently, it was proposed that the R40 and R60 codings be changed to R30/40 and R30/60 dual codings and a clause inserted into TPS No. 1A to provide additional planning controls in these areas. The aim of these planning controls was to restrict the circumstances in which the higher code can be accessed, in order to provide an incentive to retain buildings that are considered to make a positive contribution to the established urban character and streetscape and to ensure that any new development is of a similarly high quality.
11. However, after the Amendment was referred to the WAPC for final approval, the following modifications were recommended by the Minister's Office:

Modification 1:

Scheme Maps:

Modify such that density codes are as per the attached plan (see WAPC submission in the information bulletin).

Reason:

To address the issues arising from the proposed split codes and the submissions.

Modification 2:

Scheme Text:

In Part IV under the subsection "Variations and Exclusions" (to the R Codes) incorporate under clause number 4.23 the attached provisions (see WAPC submission in the information bulletin) such that they are applicable to the proposed R30/40 and R30/60 areas to be shown on the Scheme Maps.

Re-number subsequent clauses accordingly.

Reason:

To address the issues arising from the proposed split codes and the submissions.

Modification 3:

Scheme Text:

Amend Clause 7.2(b) such that it includes an additional part to read:

“(viii) the development is located in an areas subject to a dual Residential Design Code in accordance with Clause 4.23 of the Scheme and development to the higher code is proposed.”

Reason:

Consistency with provisions referred to in modification “2”.

Modification 4:

Amend Clause 7.2(c) such that it includes an additional part to read:

“(iv) located in an area subject to a dual Residential Design Code in accordance with Clause 4.23 of the Scheme.”

Reason:

Consistency with provisions referred to in modification “2”.

12. Few negative comments were received in response to the modifications during the subsequent public consultation period and the proposal is considered to be consistent with both State Planning Policy and the strategic planning direction set by the draft ALPS.
13. However, in response to the modifications proposed by the Minister’s Office and the submission from the Heritage Council of WA, staff would recommend that Modification 2 be reconsidered, with Clause 4.23 altered to read as follows:

Clause 4.23

The following provisions apply to the area Coded R30/40 generally bounded by Grey Street West, and Duke, Collie and Parade Streets and the area Coded R30/60 generally bounded by Serpentine Road, and Frederick, Aberdeen and Spencer Street (as shown on the Scheme Maps). The intent of the subject dual coded areas is to provide for increases in the density of the areas and to protect the many existing buildings which contribute to their established urban character and streetscapes.

- (a) *The applicable design code shall be R30 except in the following circumstances, in which case the relevant higher code may apply:*
 - i) *Where an existing building, which, based on written advice from a heritage architect, and in the opinion of Council, is worthy of retention by making a positive contribution to the established urban character and streetscape;*
 - ii) *Where an existing building which, based on written advice from a heritage architect, and in the opinion of Council, does not contribute positively to the established urban character and streetscape, and planning consent has been granted for its removal;*
 - iii) *Where a lot is vacant at the time of application and was vacant at the time of Clause 4.23 coming into effect, or is made vacant by an approved demolition; and*

for R60 and 220m² minimum requirement for R40 to accommodate new dwellings at the rear of existing buildings.

- There should be a requirement that any design of new buildings has architectural elements consistent with the retained building in addition to compliance with Council's Albany Historical Town Design Policy and any character precinct guidelines as identified as part of the Municipal Heritage Inventory Review.

PUBLIC CONSULTATION/ENGAGEMENT

15. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 21 January 2010 to 4 March 2010 by direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
16. A total of seven (7) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

GOVERNMENT CONSULTATION

17. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA advised that the Amendment had been assessed and did not require further formal assessment.
18. The proposed modifications to the Amendment were referred to WA Gas Networks (WestNet Energy), Telstra, the Water Corporation, Western Power, Albany Port Authority, the Fire and Emergency Services Authority (FESA), the Heritage Council of WA, Main Roads WA – Great Southern Region, Tourism WA and the Public Transport Authority for assessment and comment. Responses were received from Telstra, Western Power, FESA, the Heritage Council of WA, Main Roads WA – Great Southern Region and the Public Transport Authority and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

20. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
21. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.
- Minimising the development footprint on the landscape to help protect biodiversity and the environment.
- Promoting energy conservation.
- Providing greater housing choice.
- Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.
- Reducing government expenditure on servicing current and future populations.

22. The Amendment is considered to be consistent with the above Strategic Objective and aims, as set out in the draft ALPS.

POLICY IMPLICATIONS

23. The proposed amendment is considered to be consistent with the objectives of the WAPC State Planning Policy 3.5 – Historic Heritage Conservation, which states:

“The objectives of this policy are—

- *To conserve places and areas of historic heritage significance.*
- *To ensure that development does not adversely affect the significance of heritage places and areas.*
- *To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.*
- *To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.”*

24. The proposed amendment is considered to be consistent with the relevant key policy measures for creating sustainable communities as per the WAPC State Planning Policy 3 – Urban Growth and Settlement, where in relation to density and heritage it states:

“5. Policy Measures

5.1 Creating Sustainable Communities

- *making the most efficient use of land in existing urban areas through the use of vacant and under-utilised land and buildings, and higher densities where these can be achieved without detriment to neighbourhood character and heritage values; the cost-effective use of urban land and buildings, schools and community services, infrastructure systems and established neighbourhoods; and promoting and encouraging urban development that is consistent with the efficient use of energy.”*

25. It is important to note that the amendment has attempted to allow for some infill development in two selected precincts bordering the Central Areas zone, on the basis that buildings that contribute to the streetscape are retained. This has been done to transition densities from the R160 code (proposed to be reduced to the R-IC code

under this amendment) to the R30 code. Dwellings on the existing Municipal Heritage Inventory, within Appendix 8 of the Town Planning Scheme (Heritage List) or listed on the State Heritage Registrar already have various levels of protection and this amendment will not diminish the status of these lists in any way. The amendment actually goes further in recognising that there are buildings not necessarily on heritage lists that do contribute positively to the streetscape and where these buildings can be retained, infill development at the rear should be considered. This has the added benefit of increasing densities within walking distance of the CBD.

26. It should be noted that any development which takes advantage of the higher density code would need to be in accordance with Albany Historic Town Design Policy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

27. Council has the following options in relation to this item, which are:
- To accept the modifications requested by the Minister for Planning; or
 - To request the Minister for Planning to reconsider certain modifications.
28. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

SUMMARY CONCLUSION

29. The finalisation of the proposed Scheme Amendment is recommended, subject to the modifications discussed in the body of this report.

ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION

1. REQUEST the Minister for Planning reconsider the wording associated with Modification 2 (proposed Clause 4.23) as listed in the Schedule of Modifications dated 8 October 2009 for Amendment No. 161 to Town Planning Scheme No. 1A, to read as per Paragraph 13 of the officer's report.

AND

2. RECEIVE the Schedule of Submissions and ADOPT the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.

ITEM 1.3: AMENDED OFFICER RECOMMENDATION

1. The Minister for Planning be requested, through the Western Australian Planning Commission, to reconsider the wording associated with Modification 2 (proposed Clause 4.23) as listed in the Schedule of Modifications date 8 October 2009 for Amendment No. 161 to Town Planning Scheme No. 1A, to read as per paragraph 13 of the officer's report.
2. The Schedule of Submissions be RECEIVED and the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions, be ADOPTED.
3. The Minister for Planning, through the Western Australian Planning Commission, be advised that in the event that the change in wording associated with proposed Clause 4.23, as outlined in Recommendations 1 and 2 above is not supported, Council, in the interests of ensuring that Amendment No. 161 is gazetted as soon as possible has no objection to the gazettal of the amendment with the wording outlined in Modification 2, or minor variations thereto.

ITEM 1.3: RESOLUTION (Amended Officer Recommendation)

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MATLA

THAT the Amended Officer Recommendation be ADOPTED.

CARRIED 10-1

Against the Motion: Councillor D Bostock

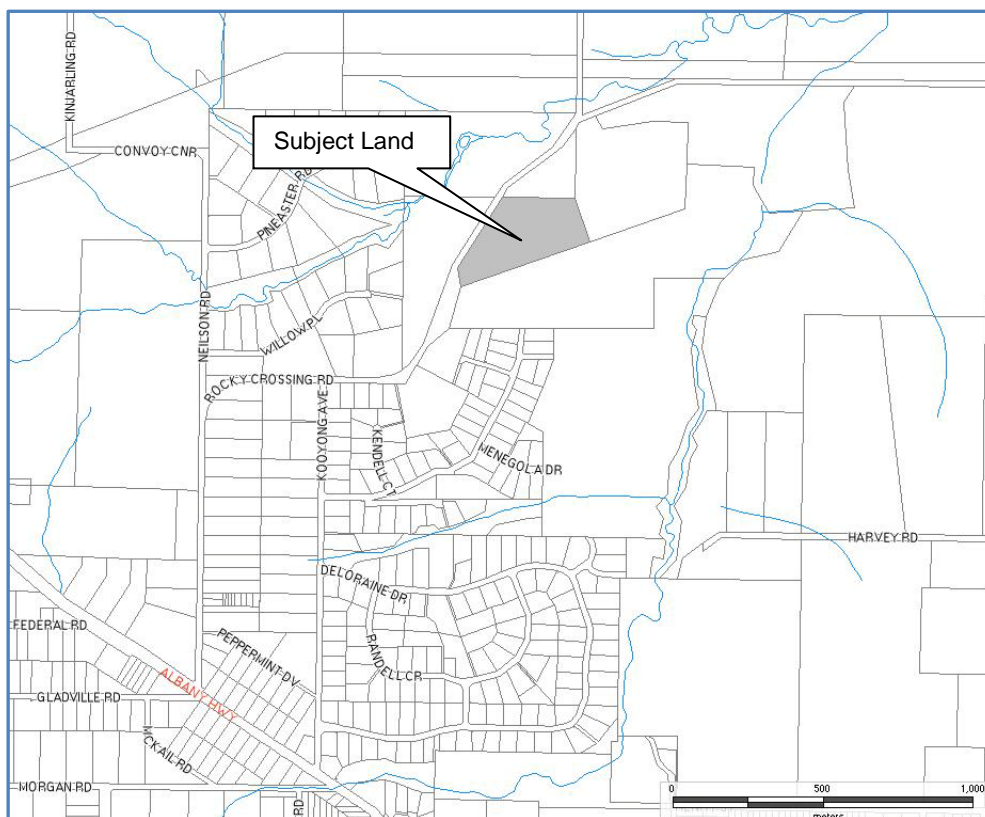
Staff Reason (G Bride):

This amendment has taken a considerable period of time to get to this point, and has been advertised on two separate occasions. As the wording changes identified in Paragraph 13 of the officers report do not materially change the intent of the modifications received by the Minister's Office, which have been proposed as a result of the submissions received and issues of interpretation and clarification, it is recommended that Council clearly advise the Minister that if the wording changes are not supported it would have no objection to the modifications suggested by the Ministers Office or minor variations thereto; the Minister would make the final decision in any case.

1.4: FINAL APPROVAL OF SCHEME AMENDMENT - LOT 14 ROCKY CROSSING ROAD, WARRENUP

| | |
|-----------------------------------|---|
| File Number (Name of Ward) | : AMD 294 (Kalgan Ward) |
| Land Description | : Lot 14 Rocky Crossing Road, Warrenup |
| Proponent | : Ayton Baesjou Planning |
| Owner | : Mr R J Hunter & Ms S K Gillet |
| Previous Reference | : OCM 19/08/08 (SAR 136) OCM 16/02/10 – Item 13.2.1 |
| Attachment(s) | : Schedule of Submissions Amended Subdivision Guide Plan |
| Consulted References | : Albany Local Planning Strategy |
| Councillor Lounge | : Amendment Document – AMD294 Copies of Submissions |
| Reporting Officer(s) | : Planning Officer (C McMurtrie) |
| Responsible Officer(s) | : Executive Director Development Services (G Bride) |

Maps and Diagrams:



IN BRIEF

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to rezone Lot 14

Rocky Crossing Road, Warrenup from the 'Special Rural' zone to the 'Special Residential' zone.

- Recommended that amendment be adopted for final approval subject to modifications.

BACKGROUND

1. Amendment 294 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lot 14 Rocky Crossing Road, Warrenup from the 'Special Rural' zone to the 'Special Residential' zone. The lot would be incorporated into Special Residential Area No. 12, which would allow the provisions set out in Schedule I relating to this zone to appropriately control subdivision, development and use of the land.
2. A Scheme Amendment Request (SAR 136) was reported to the Ordinary Council Meeting held on 19 August 2008. It was resolved:

“THAT Council advise the proponents that whilst it is prepared to support the rezoning of Lot 14 Rocky Crossing Road, Warrenup to the Special Residential zone it does not support any additional subdivision/development that would require the removal of any additional remnant vegetation on the site and that any application for a formal scheme amendment will require the following matters to be addressed:

- i) *assessment and protection of remnant vegetation;*
 - ii) *land capability assessment for housing/road construction and on-site effluent disposal;*
 - iii) *land suitability assessment;*
 - iv) *servicing requirements;*
 - v) *impacts from surrounding land uses/buffers;*
 - vi) *fire protection requirements; and*
 - vii) *any special planning controls recommended for inclusion within the Scheme.”*
3. The matters outlined above have all been broadly addressed in the amending document, which was initiated by Council at the Ordinary Meeting held on 16 February 2010.
4. The successful completion of this amendment will facilitate subdivision of the subject land for 'Special Residential' living, in keeping with the Strategic Objectives and aims set out in the Albany Local Planning Strategy (ALPS).

DISCUSSION

5. The lot covers an area of 7.69ha and lies to the east of Rocky Crossing Road, approximately 1.5km north-east of Albany Highway and 6.5km north-west of the Albany CBD. The lot is relatively flat with only a gentle slope falling away in a north-easterly direction towards Rocky Crossing Road. Although there has been some clearing on the lot and extensive landscaped gardens developed at its north-western extent, a substantial stand of remnant native vegetation remains across much of the lot, from its western boundary adjoining Rocky Crossing Road to its eastern and northern boundaries. The land adjoining Lot 2 Rocky Crossing Road, which is the subject of a separate TPS Amendment (Amendment No. 297 – Agenda Item 1.5), has been partially cleared in the past and the remnant native vegetation has been degraded.

6. A dwelling stands at the north-western corner of the lot, with a small number of associated outbuildings standing to the south and south-east. All of these structures stand within the landscaped gardens described in paragraph 5 (above). Access to the existing dwelling is via a track from Rocky Crossing Road, which would serve three of the new lots created under the proposed Subdivision Guide Plan. A fourth lot would be served by a new access track from Rocky Crossing Road, running parallel to the existing northern lot boundary, while the remaining four lots that would be created adjoining the existing southern lot boundary would be served by a shared access track and internal access roads as part of the subdivision of Lot 2 Rocky Crossing Road. Lot 2 Rocky Crossing Road, which lies to the south, is the subject of a separate TPS Amendment, to rezone from 'Rural' to 'Special Residential' and 'Parks and Recreation'. This rezoning would form an extension to the existing Special Residential Area No. 12, which lies further to the south, and would also allow the inclusion of the subject land into Special Residential Area No. 12.
7. The scheme amendment has generally been supported by government agencies. The Department of Environment and Conservation (DEC) has however raised concerns over the likely impact on the remnant vegetation across the site and the subsequent effects on habitats and species. The DEC has noted that the remnant native vegetation across the subject land serves as an ecological corridor, linking Willyung Creek and the reserve to the east with the properties to the west, through to Parker Brook. They have raised concerns that additional clearing as part of any subdivision would impact on this ecological linkage and that different land management techniques applied by each land owner could also lead to the degradation of vegetation.
8. These issues were discussed with the proponent, who has suggested an alteration of the proposed subdivisional layout to place the larger portion of the vegetation remnant within only two new lots. This would result in a more consolidated approach to land management and will protect the integrity of the ecological corridor. The DEC have reviewed the amended subdivision guide plan and believe the realignment of lot boundaries would achieve a better environmental outcome. A copy of the amended plan is attached to the rear of this report.
9. The amended proposal ensures that each building envelope is setback at least 20 metres from the remnant vegetation, ensuring that a low fuel zone can be maintained around each future building. The Fire Management Plan submitted with the proposal will need to be amended to ensure it is based on the revised lot configuration as per the amended subdivision guide plan. As discussed in the Schedule of Submissions, by increasing the construction standard of future dwellings, in accordance with *Australian Standard 3959 - Buildings in Bushfire Prone Areas*, the extent of the hazard separation zone (which requires lower fuel loadings) can be reduced to around 9 metres down from 20 metres, and it is recommended that this approach is pursued.
10. The Albany Local Planning Strategy (ALPS) identifies the subject land as being suitable for 'Special Residential' development and the proposal is considered to be consistent with this aim.
11. Staff would therefore recommend granting final approval of the proposed Scheme Amendment, subject to appropriate modifications, as discussed in the Schedule of Submissions.

PUBLIC CONSULTATION/ENGAGEMENT

12. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 15 July 2010 to 16 August 2010 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
13. A total of eight (8) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

GOVERNMENT CONSULTATION

14. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the Amendment has been assessed and does not require further formal assessment. However, additional advice and recommendations were provided, as outlined in the attached Schedule of Submissions.
15. The Amendment was also referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Fire and Emergency Services Authority (FESA), and Main Roads WA for assessment and comment. Responses were received from Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Education and Main Roads WA and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

17. There are no financial implications related to this item.

STRATEGIC IMPLICATIONS

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

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

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

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 4, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

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

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

20. The proposal is considered to be consistent with Section 8.3.5 of the ALPS, as it:

- discourages the creation of additional rural town sites for living purposes;
- avoids the development of a Rural Living area on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity;
- avoids the development of a Rural Living area on future and potential long-term urban areas, as the land has been identified in the ALPS as suitable for Special Rural purposes; and
- will create lot sizes similar to those to the east of the subject land, which are being used for similar rural residential living purposes, therefore minimising the potential for generating land-use conflicts.

POLICY IMPLICATIONS

21. There are no policy implications related to this item.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

- To seek final approval to the scheme amendment without modification;
- To seek final approval to the scheme amendment with modifications; or
- To not seek final approval to the scheme amendment.

23. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

SUMMARY CONCLUSION

24. Staff would recommend that the proposed Scheme Amendment be adopted by Council with modifications, on the basis that rezoning of the land from ‘Special Rural’ to ‘Special Residential’ would create a logical extension of an established ‘Special Residential’ area, in keeping with the objectives of Section 8.3.5 of the ALPS.

ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION

- i) **THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* and *Regulation 25(1)(c)* of the *Town Planning Regulations 1967* resolves to ADOPT WITH MODIFICATIONS Amendment No. 294 to Town Planning Scheme No. 3 for the purposes of:**
- 1) **Rezoning Lot 14 Rocky Crossing Road, Warrenup from the ‘Special Rural’ zone to the ‘Special Residential’ zone; and**
 - 2) **Amending the Scheme Maps accordingly.**

AND

- ii) **The Schedule of Submissions be RECEIVED and the officer’s recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions, be ADOPTED.**

ITEM 1.4: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MATLA

THAT the Responsible Officer Recommendation be ADOPTED.

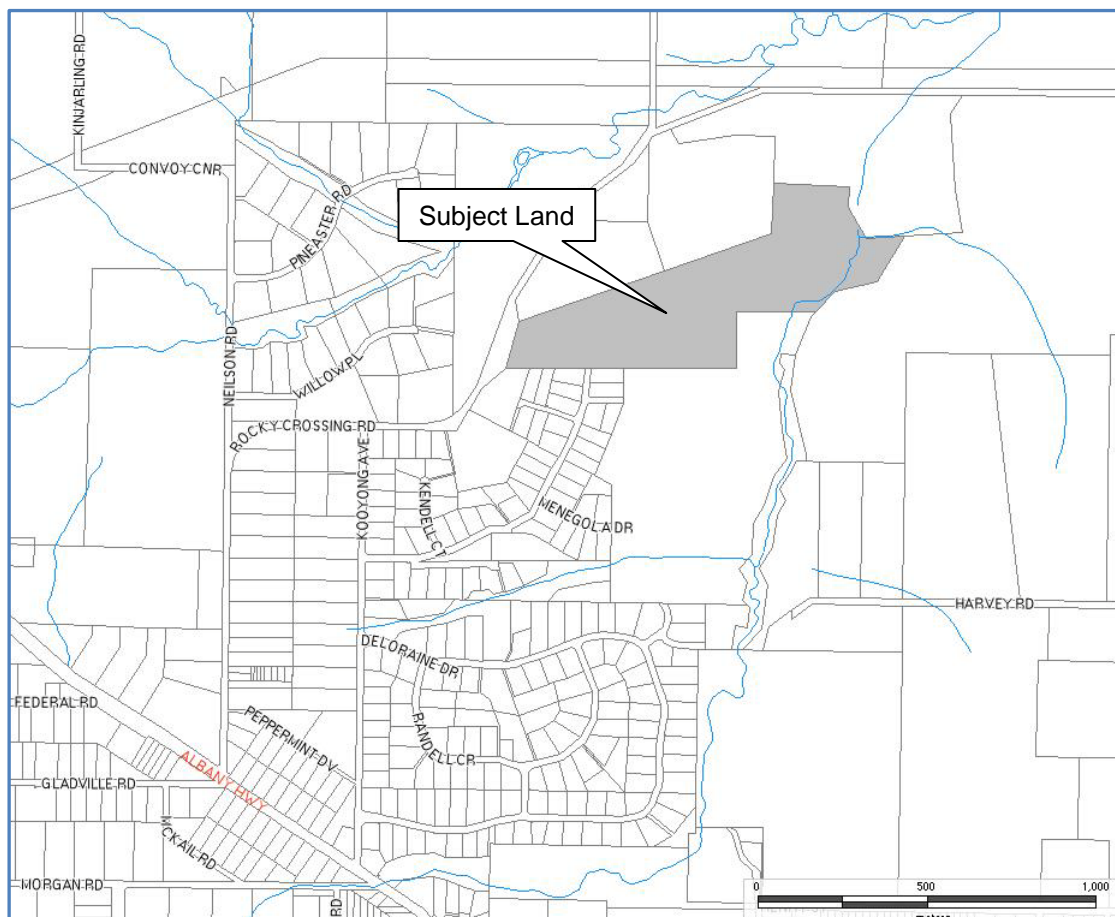
CARRIED 8-3

Against the Motion: Councillors J Bostock, D Bostock and M Leavesley

1.5: FINAL APPROVAL OF SCHEME AMENDMENT - LOT 2 ROCKY CROSSING ROAD, WARRENUP

| | |
|-----------------------------------|---|
| File Number (Name of Ward) | : AMD 297 (Kalgan Ward) |
| Land Description | : Lot 2 Rocky Crossing Road, Warrenup |
| Proponent | : Ayton Baesjou Planning |
| Owner | : Mr & Mrs V J Vandenberg |
| Previous Reference | : OCM 20/02/07 (SAR 106) : OCM 16/02/10 – Item 13.2.2 |
| Attachment(s) | : Schedule of Submissions Amended Subdivision Guide Plan |
| Consulted References | : Albany Local Planning Strategy |
| Councillor Lounge | : Amendment Document – AMD 297 Copies of Submissions |
| Reporting Officer(s) | : Planning Officer (C McMurtrie) |
| Responsible Officer(s) | : Executive Director Development Services (G Bride) |

Maps and Diagrams:



IN BRIEF

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to rezone Lot 2

Rocky Crossing Road, Warrenup from the 'Rural' zone to the 'Special Residential' zone and the 'Parks and Recreation' reserve.

- Recommended that amendment be adopted for final approval subject to modifications.

BACKGROUND

1. Amendment 297 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lot 2 Rocky Crossing Road, Warrenup from the 'Rural' zone to the 'Special Residential' zone and the 'Parks and Recreation' Reserve. The lot would be incorporated into Special Residential Area No. 12, which would allow the provisions set out in Schedule I relating to this zone to appropriately control subdivision, development and use of the lot.
2. A Scheme Amendment Request (SAR 106) was reported to the Ordinary Council Meeting held on 20 February 2007. It was resolved:

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

- i) A land capability assessment;*
- ii) A conceptual structure plan;*
- iii) An identification of servicing needs and infrastructure requirements to accommodate future subdivision;*
- iv) A Foreshore Management Plan for Willyung Creek and the Public Open Space;*
- v) Confirmation of the POS boundaries to ensure suitable recreational access and linkage to the King River;*
- vi) Outcomes of the Willyung Creek Flood Study to be incorporated into the Amendment; and*
- vii) Assessment of the remnant vegetation and potential contamination on the property site.*

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 2 Rocky Crossing Road from 'Rural' zone to 'Special Residential.'"

3. The matters outlined above have all been broadly addressed in the amending document, which was initiated by Council at the Ordinary Meeting held on 16 February 2010.
4. The successful completion of this Amendment will facilitate subdivision of the subject land for 'Special Residential' living, in keeping with the Strategic Objectives and aims set out in the Albany Local Planning Strategy (ALPS).

DISCUSSION

5. The lot covers an area of 28.66ha and lies to the east of Rocky Crossing Road, approximately 1.5km north-east of Albany Highway and 6km north-west of the Albany CBD. The western portion of the lot is relatively flat with only gentle slopes falling away in a north/north-easterly direction, while the eastern extent of the lot is characterised by steeper slopes falling away in an east/south-easterly direction towards Willyung Creek. Although much of the land has been cleared, substantial stands of remnant native vegetation remain at the western and northern extents of the lot.

6. A dwelling stands at the northern end of the lot, with a small number of associated outbuildings standing to the south and south-west, while a dam lies at the south-western corner of the lot. Access to the dwelling is via a long access track which enters the lot from Rocky Crossing Road at its south-western corner and roughly follows the western and northern boundaries.
7. The land to the south of the subject lot forms part of Special Residential Area No. 12, while the land to the west and adjoining much of the northern boundary is zoned 'Rural'. However, Lot 14 Rocky Crossing Road, which also adjoins the northern boundary of the subject lot is currently zoned as 'Special Rural' Area No. 19, though it remains undeveloped and is the subject of a separate TPS Amendment (Amendment No. 294 – Agenda Item 1.4). The remaining land to the east is designated as 'Parks and Recreation' reserve.
8. The area has been identified as being suitable for 'Special Residential' development in the Albany Local Planning Strategy (ALPS). The proposal seeks to rezone part of the subject lot to create an extension to Special Residential Area No. 12 and cede the remainder of the land into the 'Parks and Recreation' reserve as POS, in keeping with the objectives of Section 8.3.5 of the ALPS.
9. The scheme amendment has generally been supported by government agencies. The Department of Environment and Conservation (DEC) however has raised concerns over the likely impact on the remnant vegetation across the site and the subsequent effects on habitats and species. The DEC has also requested that an ecological corridor be established across the subject land, linking Willyung Creek and the reserve to the east with the properties to the west, through to Parker Brook.
10. These issues were discussed with the proponent and it has been agreed that an ecological corridor can be established through the subject land by means of moving the Pedestrian Access Way between the subdivisional road and Willyung Creek to the north, and revegetating along its edges. It is considered that the proposal would be unlikely to lead to any significant level of clearing, although aspects of the Fire Management Plan should be modified to further reduce the impacts on remnant native vegetation. This can be done through the application of 'mosaic' burns, which are controlled burns over small fragments of bush, done in less frequent rotation, and through the application of appropriate AS 3959 construction standards to dwellings on lots with a higher level of bushfire risk.
11. The Albany Local Planning Strategy (ALPS) identifies the subject land as being suitable for 'Special Residential' development and the proposal is considered to be consistent with this aim.
12. Staff would therefore recommend granting final approval of the proposed Scheme Amendment, subject to appropriate modifications, as discussed in the Schedule of Submissions.

PUBLIC CONSULTATION/ENGAGEMENT

13. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 15 July 2010 to 16 August 2010 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.

14. A total of nine (9) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

GOVERNMENT CONSULTATION

15. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the Amendment has been assessed and does not require further formal assessment. However, additional advice and recommendations were provided, as outlined in the attached Schedule of Submissions.
16. The Amendment was also referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Fire and Emergency Services Authority (FESA), and Main Roads WA for assessment and comment. Responses were received from Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Education, FESA and Main Roads WA and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

18. There are no financial implications related to this item.

STRATEGIC IMPLICATIONS

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

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

The ALPS expands on this by stating that: "The strategy's objectives for Rural Living areas are to:

- Discourage the creation of additional rural townsites for living purposes.*
- Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- Avoid the development of Rural Living areas on future and potential long-term urban areas.*

- *Provide compact growth of selected existing rural townsites in accordance with Table 4, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

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

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

21. The proposal is considered to be consistent with Section 8.3.5 of the ALPS, as it:

- discourages the creation of additional rural town sites for living purposes;
- avoids the development of a Rural Living area on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity;
- avoids the development of a Rural Living area on future and potential long-term urban areas, as the land has been identified in the ALPS as suitable for Special Rural purposes; and
- will create lot sizes similar to those to the east of the subject land, which are being used for similar rural residential living purposes, therefore minimising the potential for generating land-use conflicts.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

- To seek final approval to the scheme amendment without modification;
- To seek final approval to the scheme amendment with modifications; or
- To not seek final approval to the scheme amendment.

24. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

SUMMARY CONCLUSION

25. Staff would recommend that the proposed Scheme Amendment be adopted by Council with modifications, on the basis that rezoning of the land from 'Rural' to 'Special Residential' and the 'Parks and Recreation' reserve would create a logical extension of an established 'Special Residential' area, in keeping with the objectives of Section 8.3.5 of the ALPS.

ITEM 1.5: RESPONSIBLE OFFICER RECOMMENDATION

- i) In pursuance of Section 75 of the *Planning and Development Act 2005* and Regulation 25(1)(c) of the *Town Planning Regulations 1967* Amendment No. 297 to Town Planning Scheme No. 3 be ADOPTED with modifications for the purposes of:
- 1) Rezoning Lot 2 Rocky Crossing Road, Warrenup from the 'Rural' zone to the 'Special Residential' zone and the 'Parks and Recreation' reserve; and
 - 2) Amending the Scheme Maps accordingly.

AND

- ii) The Schedule of Submissions and the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions be ADOPTED.

ITEM 1.5: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR WOLFE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-3

Against the Motion: Councillors J Bostock, D Bostock and M Leavesley

2.1: LIST OF ACCOUNTS FOR PAYMENT

| | |
|-----------------------------------|-----------------------------------|
| File Number (Name of Ward) | : FM.FIR.2 - All Wards |
| Disclosure of Interest | : Nil |
| Previous Reference | : N/A |
| Appendices | : List of Accounts for Payment |
| Reporting Officer(s) | : Manager of Finance (P Wignall) |
| Responsible Officer | : Executive Director (WP Madigan) |

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund during the month of September 2010. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

Municipal Fund

| | | |
|--------------------------|--------------|------------------------------|
| Trust | Totalling | \$1,700.00 |
| Cheques | Totalling | \$93,174.10 |
| Electronic Fund Transfer | Totalling | \$3,695,507.87 |
| Credit Cards | Totalling | \$10,625.52 |
| Payroll | Totalling | \$809,322.27 |
| | TOTAL | <u>\$4,610,329.76</u> |

3. As at the 30th September 2010, the total outstanding creditors, stands at \$274,889.77
4. Cancelled cheques – 26726, 26510 & 26754

STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund. This delegation was last reviewed in December 2007 – Item 14.4.1.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 30th September 2010 has been incurred in accordance with the 2009/10 budget parameters.

POLICY IMPLICATIONS

9. The City's 2009/10 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2009/10 budget parameters, it is recommended that the list of accounts for payment be received.

SUMMARY CONCLUSION

10. That list of accounts have been authorised for payment under delegated authority.

ITEM 2.1: RESPONSIBLE OFFICER RECOMMENDATION

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 30th September 2010 totalling \$4,610,329.76 be RECEIVED.

ITEM 2.1: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR LEAVESLEY**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

2.2: FINANCIAL ACTIVITY STATEMENT – 30 SEPTEMBER 2010

File Number (Name of Ward) : FM.FIR.2 - All Wards
Disclosure of Interest : Nil
Previous Reference : N/A
Reporting Officer(s) : Manager of Finance (P Wignall)
Responsible Officer : Executive Director (WP Madigan)

IN BRIEF

- Detailed Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 30 September 30 2010

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 September 2010 has been prepared and is listed below.
2. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the elected group with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. For the financial year 2009/10 variations in excess of 10% are reported to the elected group.

STATEMENT OF FINANCIAL ACTIVITY – AS AT 30th SEPTEMBER 2010

6. See Appendix 1 to Report Item 14.1.2

CITY OF ALBANY – NET CURRENT ASSETS – AS AT 30th SEPTEMBER 2010

7. See Appendix 2 to Report Item 14.1.2

CITY OF ALBANY - BALANCE SHEET – AS AT 30th SEPTEMBER 2010

8. See Appendix 3 to Report Item 14.1.2

INCOME STATEMENT FOR PERIOD ENDED – AS AT 30th SEPTEMBER 2010

9. See Appendix 4 to Report Item 14.1.2

PORTFOLIO VALUATION – MARKET VALUE – AS AT 30th SEPTEMBER 2010

10. See Appendix 5 to Report Item 14.1.2

STATUTORY IMPLICATIONS

11. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:
- I. *A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*
 - a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - b) *budget estimates to the end of the month to which the statement relates;*
 - c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relate*
 - d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - e) *the net current assets at the end of the month to which the statement relates.*
 - II. *Each statement of financial activity is to be accompanied by documents containing –*
 - a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
 - c) *such other supporting information as is considered relevant by the local government.*
 - III. *The information in a statement of financial activity may be shown –*
 - a) *according to nature and type classification;*
 - b) *by program; or*
 - c) *by business unit*
 - IV. *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –*
 - a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - b) *recorded in the minutes of the meeting at which it is presented.*

FINANCIAL IMPLICATIONS

12. Variances to Budget in excess of \$100,000 - as at 30th September 2010

| Account | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD Variance | YTD % Variance | Variance Ticks | Comments |
|--|-----------------|----------------|--------------|--------------|--------------|----------------|----------------|---|
| <u>DIRECTOR CORPORATE & COMMUNITY</u> | | | | | | | | |
| 100010. GENERAL RATES - GRV | (22,282,839) | (22,282,839) | (22,282,839) | (20,912,596) | (1,370,243) | -6% | × | Rates income is below budget. This is due to the unbudgeted concession applied to vacant land rate charges adopted by Council on 21st September 2010. Rates income will be adjusted in the Quarter One Budget Review. |
| 103430. MAJOR PLANT-P/LOSS SALE OF ASSETS | 529,277 | 529,277 | 211,710 | 0 | 211,710 | 100% | ✓ | No sales have occurred yet. Sales are now expected between November 2010 and March 2011, dependent upon the availability of new roadworking equipment. |
| 106640. INFORMATION TECHNOLOGY | 537,833 | 537,833 | 134,388 | (3,830) | 138,218 | 103% | ✓ | Expenses are below budget, mainly due to the timing of software maintenance costs. Annual costs are expected to be in line with budget. |
| 174420. ROADS - DEPRECIATION | 8,301,762 | 8,301,762 | 2,074,608 | 1,844,561 | 230,047 | 11% | ✓ | Year to date depreciation is below budget. This is due to delays on road construction completion and capitalisation of assets. |
| 194140. ALAC – STAGE 2 | 3,620,997 | 3,620,997 | 1,810,136 | 1,182,697 | 627,439 | 35% | ✓ | Expenditure is below budget - due to a timing difference on contractor payments. Total project costs are expected to be in line with budget at the completion of the ALAC Stage 2 development. |
| 199950. GRANT - RECREATION MASTERPLAN | (3,024,983) | (3,024,983) | (755,943) | (2,287,483) | 1,531,540 | 203% | ✓ | Receipts are above budget due to a timing difference on grant funding claims and settlement. Total grant receipts are expected to be in line with budget upon completion of the ALAC Stage 2 development. |

FINANCIAL IMPLICATIONS

Variances to Budget in excess of \$100,000 - as at 30th September 2010

| Account | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD Variance | YTD % Variance | Variance Ticks | Comments |
|---|---------------------|---------------------|---------------------|---------------------|------------------|----------------|----------------|--|
| Total DIRECTOR CORPORATE & COMMUNITY | (12,317,953) | (12,317,953) | (18,807,940) | (20,176,651) | 1,368,711 | | | |
| <u>DIRECTOR WORKS & SERVICES</u> | | | | | | | | |
| 100040. ROAD SAFETY | 589,000 | 589,000 | 239,000 | 7,253 | 231,747 | 97% | ✓ | Year to date expenditure is below budget. Work was scheduled from September to December, but was dependent on funding approval. Approvals are yet to be notified. Total costs for the year are expected to be in line with budget. |
| 131140. ROADS - CONSTRUCTION | 501,000 | 501,000 | 239,241 | 788 | 238,453 | 100% | ✓ | Expenses are currently below budget. Design work is still being completed, but the expenditure for the full year is expected to be in line with budget. |
| 134830. ROAD FUNDS | (694,000) | (694,000) | (173,430) | 0 | (173,430) | -100% | × | Funding is currently below budget. The budget assumed an even monthly spread of funding throughout the year. Funding applications have been lodged, and we are now awaiting notification of approvals. |
| 134850. ASSET FUNDING - REGIONAL ROAD GROUP | (759,167) | (759,167) | (303,667) | (1,034,067) | 730,400 | 241% | ✓ | Funding receipts are currently higher than budget. This is simply a timing difference and the funding total for the year is expected to be in line with budget. |
| 135640. MAJOR PLANT PURCHASES | 1,790,000 | 1,790,000 | 0 | 274,500 | (274,500) | -100% | × | Year to date expenditure is below budget. This is only expected to be a timing difference, and annual costs are expected to be in line with budget. |
| 138070. WASTE MINIMISATION CONTRACT | 2,070,000 | 2,070,000 | 479,805 | 298,694 | 181,111 | 38% | ✓ | Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget. |

FINANCIAL IMPLICATIONS

Variances to Budget in excess of \$100,000 - as at 30th September 2010

| Account | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD Variance | YTD % Variance | Variance Ticks | Comments |
|---------------------------------------|-----------------|----------------|------------|------------|--------------|----------------|----------------|---|
| 147920. PLANT - ALLOCATE TO W/SERV. | (3,135,832) | (3,135,832) | (783,642) | (608,417) | (175,225) | -26% | × | Any under-recoveries in relation to Plant Charge-out and Works Labour Charge-out are addressed in June. Additional charge-outs may be required to align with costs to be recovered. Plant cost recoveries for the year to date are lower than budgeted due to some Council plant being unavailable for use due to machine breakdowns. |
| 149120. WO - LESS ALLOC.W/SERVICES | (2,735,417) | (2,735,417) | (683,580) | (582,652) | (100,928) | -20% | × | |
| 149840. ASSET UPGRADE - REGIONAL ROAD | 1,936,497 | 1,936,497 | 367,016 | 80,244 | 286,772 | 82% | ✓ | Expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget. |
| 149940. ASSET PRESERVATION | 3,344,638 | 3,344,638 | 488,625 | 233,298 | 255,327 | 57% | ✓ | Costs are below budget. Limited work done so far this year, mainly due to adverse weather conditions. Annual costs are expected to be in line with budget. |
| 150140. DRAINAGE CONSTRUCTION | 1,834,247 | 1,834,247 | 286,702 | 101,812 | 184,890 | 74% | ✓ | Expenses are below budget. Design work for various drainage projects is incomplete, and there have been some weather delays. Other work is awaiting tender finalisation. |
| 151640. PATHWAY CONSTRUCTION | 344,680 | 344,680 | 322,175 | 96,309 | 225,866 | 72% | ✓ | Year to date costs are below budget. Flinders Parade funding was declined. That work is not currently scheduled and will be adjusted in the Quarter One Review. |
| 155850. DRAINAGE MASTERPLAN INCOME | (750,000) | (750,000) | (187,425) | 0 | (187,425) | -100% | × | Budget income relates to the water harvesting project. Funding will not be available as budgeted. This item and the associated expenditure will be adjusted in the Quarter One Review. |
| 168340. EDWS - OTHER CAPITAL | 2,733,944 | 2,733,944 | 751,691 | 88,898 | 662,793 | 89% | ✓ | Expenses are below budget mainly due to deferred work pending Federal Funding, and timing on the Emu Point Toilet work. (Tender approved in July) |

| | | | | | | | |
|--|------------------|------------------|------------------|--------------------|------------------|--|--|
| Total DIRECTOR WORKS & SERVICES | 7,069,590 | 7,069,590 | 1,042,511 | (1,189,106) | 2,231,617 | | |
|--|------------------|------------------|------------------|--------------------|------------------|--|--|

FINANCIAL IMPLICATIONS

Variances to Budget in excess of \$100,000 - as at 30th September 2010

| | |
|--|---|
| Other Events with Financial Implications: | |
| LEACHATE MANAGEMENT - HANRAHAN ROAD | The Hanrahan Road waste site leachate drain is not functioning as required and will be redesigned. The leachate management budget for 2010/2011 is \$385,000 and this amount is expected to be applied to temporary solutions to meet DEC requirements. However, further work will be required in 2011-12, taking the total project cost to an estimated \$800,000. |

POLICY IMPLICATIONS

13. The City's 2009/10 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2009/10 budget parameters and any major variations are due to timing issues only, it is recommended that the Statement of Financial Activity be received.
14. The Investment of Surplus Funds Policy applies to this item, as this policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION

The Financial Activity Statement for the period ending 30th September 2010 be RECEIVED.

ITEM 2.2: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR DUFTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

APPENDIX 1
STATEMENT OF FINANCIAL ACTIVITY YEART TO DATE – 30 SEPTEMBER 2010

| | Actual Year to Date 30-Sep-10 | Current Budget Year to Date 30-Sep-10 | Current Budget vs Actual Variance | |
|---|--|--|--|---|
| REVENUE | | | | |
| Operating Grants, Subsidies and Cont | 90,826 | 328,064 | -237,238 | X |
| Fees and Charges | 1,755,070 | 1,907,159 | -152,089 | X |
| Service Charges | 3,704,112 | 3,671,240 | 32,872 | √ |
| Interest Earnings | 204,672 | 237,441 | -32,769 | X |
| Other Revenue | 312,160 | 255,316 | 56,844 | √ |
| | 6,066,838 | 6,399,220 | -332,381 | |
| EXPENDITURE | | | | |
| Employee Costs | 3,455,409 | 3,915,461 | -460,052 | √ |
| Materials and Contracts | 2,147,054 | 3,063,436 | -916,382 | √ |
| Utility Charges | 290,214 | 348,519 | -58,305 | √ |
| Interest Expenses | -31,767 | 6,260 | -38,027 | √ |
| Insurance Expenses | 441,247 | 413,060 | 28,187 | X |
| Other Expenditure | 172,136 | 4,862 | 167,274 | X |
| Depreciation | 2,825,948 | 3,082,236 | -256,288 | √ |
| | 9,300,241 | 10,833,834 | -1,533,593 | |
| Adjustment for Non-cash Revenue and Expenditure: | | | | |
| Depreciation | -2,825,948 | -3,082,236 | 256,288 | |
| CAPITAL REVENUE | | | | |
| Non-Operating Grants, Subsidies and Cont | 4,162,478 | 2,343,965 | 1,818,513 | √ |
| Proceeds from asset disposals | 160,000 | 230,089 | -70,089 | √ |
| Proceeds from New Loans | 0 | 0 | 0 | |
| Self-Supporting Loan Principal Revenue | 0 | 0 | 0 | |
| Transfers from Reserves (Restricted Assets) | 5,288,778 | 6,052,877 | -764,099 | |
| | 9,611,256 | 8,626,931 | 984,325 | |
| CAPITAL EXPENDITURE | | | | |
| Capital Expenditure | 2,565,461 | 5,339,694 | -2,774,233 | √ |
| Repayment of Loans | 14,156 | 38,991 | -24,835 | √ |
| Transfers to Reserves (Restricted Assets) | 3,141,484 | 3,142,425 | -941 | |
| | 5,721,102 | 8,521,110 | -2,800,009 | |
| Estimated Surplus B/fwd | | | | |
| ADD Net Current Assets July 1 B/fwd | 1,578,986 | n/a | n/a | |
| LESS Net Current Assets Year to Date | 29,023,688 | n/a | n/a | |
| | -23,962,003 | -25,386,528 | 1,424,525 | |

* √ Is higher than expected revenue or lower than expected expenditure

* X is lower than expected revenue and higher than expected expenditure

APPENDIX 2 – NET CURRENT ASSETS AS AT 30 SEPTEMBER 2010

| | Actual 30-Sep-10 | Actual 30-Sep-10 |
|---|-----------------------------|-----------------------------|
| NET CURRENT ASSETS | | |
| Composition of Net Current Asset Position | | |
| CURRENT ASSETS | | |
| Cash - Unrestricted | 17,149,603 | 1,941,086 |
| Cash - Restricted | 6,263,590 | 8,463,096 |
| Receivables | 12,797,863 | 3,428,043 |
| Inventories | 4,557,378 | 4,607,191 |
| Total Current Assets | 40,768,434 | 18,439,415 |
| LESS: CURRENT LIABILITIES | | |
| Payables and Provisions | 5,481,156 | 8,397,333 |
| | 35,287,278 | 10,042,082 |
| Less: Cash - Restricted - Trust | (1,436,475) | (1,488,688) |
| Less: Cash - Restricted - Reserves | (4,827,115) | (6,974,408) |
| NET CURRENT ASSET POSITION | 29,023,688 | 1,578,986 |

APPENDIX 3 – BALANCE SHEET AS AT 30 SEPTEMBER 2010

| | Actual 30-Sep-10 | Budget 30-Jun-11 | Actual 30-Jun-10 |
|-------------------------------------|-----------------------------|-----------------------------|-----------------------------|
| CURRENT ASSETS | | | |
| Cash - Municipal | 17,149,603 | 1,800,755 | 1,941,086 |
| Restricted cash (Trust) | 1,436,475 | 1,483,498 | 1,488,688 |
| Reserve Funds - Financial Assets | 1,248,600 | 800,755 | 1,248,600 |
| Reserve Funds - Other | 3,578,515 | 7,197,963 | 5,725,809 |
| Receivables & Other | 12,797,863 | 1,600,000 | 3,428,043 |
| Investment Land | 3,523,483 | 0 | 3,523,483 |
| Stock on hand | 1,033,895 | 800,000 | 1,083,708 |
| | 40,768,434 | 13,682,971 | 18,439,415 |
| CURRENT LIABILITIES | | | |
| Borrowings | 2,517,950 | 5,638,175 | 2,532,106 |
| Creditors prov - Annual leave & LSL | 2,211,959 | 2,286,053 | 2,245,816 |
| Trust Liabilities | 1,365,334 | 1,546,383 | 1,417,307 |
| Creditors prov & accruals | 3,269,197 | 3,101,240 | 6,151,517 |
| | 9,364,440 | 12,571,851 | 12,346,746 |
| NET CURRENT ASSETS | 31,403,994 | 1,111,120 | 6,092,669 |
| NON CURRENT ASSETS | | | |
| Receivables | 77,272 | 150,000 | 77,272 |
| Pensioners Deferred Rates | 320,922 | 280,000 | 320,922 |
| Investment Land | 2,220,758 | 2,150,000 | 2,220,758 |
| Property, Plant & Equip | 80,185,503 | 72,666,174 | 78,433,752 |
| Infrastructure Assets | 176,470,030 | 196,047,672 | 178,482,267 |
| Local Govt House Shares | 19,501 | 19,501 | 19,501 |
| | 259,293,986 | 271,313,347 | 259,554,473 |
| NON CURRENT LIABILITIES | | | |
| Borrowings | 18,264,569 | 12,626,394 | 18,264,569 |
| Creditors & Provisions | 364,845 | 260,000 | 364,845 |
| | 18,629,414 | 12,886,394 | 18,629,414 |
| NET ASSETS | 272,068,566 | 259,538,073 | 247,017,728 |
| EQUITY | | | |
| Accumulated Surplus | 248,466,817 | 232,764,720 | 221,268,686 |
| Reserves | 4,827,115 | 7,998,719 | 6,974,409 |
| Asset revaluation Reserve | 18,774,634 | 18,774,634 | 18,774,634 |
| | 272,068,566 | 259,538,073 | 247,017,728 |

APPENDIX 4 - INCOME STATEMENT FOR THE PERIOD ENDED – 30 SEPTEMBER 2010

| Nature / Type | YTD Actual 2010/11 | Budget-Total 2010/11 | Actual 2009/10 |
|---|-----------------------|-------------------------|--------------------|
| INCOME | | | |
| Rates | 23,962,003 | 25,574,053 | 21,575,584 |
| Grants & Subsidies | 29,349 | 3,196,680 | 3,424,202 |
| Contributions. Reimb & Donations | 61,476 | 349,738 | 395,475 |
| Fees & Charges | 1,755,070 | 7,280,601 | 7,091,836 |
| Service Charges | 3,704,112 | 3,735,000 | 3,011,136 |
| Interest Earned | 204,672 | 680,000 | 766,207 |
| Other Revenue / Income | 312,160 | 520,615 | 537,709 |
| | 30,028,841 | 41,336,687 | 36,802,149 |
| EXPENDITURE | | | |
| Employee Costs | 3,455,409 | 15,240,526 | 14,308,136 |
| Utilities | 290,214 | 1,362,613 | 1,335,373 |
| Interest Expenses | (31,767) | 1,101,799 | 1,180,372 |
| Depreciation on non current assets | 2,825,948 | 12,334,000 | 11,226,465 |
| Contracts & materials | 2,147,054 | 13,274,398 | 10,516,730 |
| Insurance expenses | 441,247 | 511,098 | 476,810 |
| Other Expenses | 172,376 | (273,177) | 1,251,142 |
| | 9,300,481 | 43,551,257 | 40,295,028 |
| Change in net assets from operations | 20,728,360 | (2,214,570) | (3,492,878) |
| Grants and Subsidies - non-operating | 4,014,712 | 9,156,877 | 5,876,907 |
| Contributions Reimbursements and Donations - non-operating | 147,766 | 2,689,416 | 3,408,787 |
| Profit/Loss on Asset Disposals | 160,000 | 1,541,004 | (23,732) |
| Fair value - Investments adjustment | 0 | 0 | 1,534,785 |
| | 25,050,838 | 11,172,727 | 7,303,869 |

APPENDIX 5 - PORTFOLIO VALUATION - MARKET VALUE – 30 SEPTEMBER 2010

| Security | Maturity Date | Security Cost (Incl accrued interest) | Current Interest % | Market Value | Market Value | Market Value | Latest Monthly Variation |
|--------------------------|---------------|---|------------------------------|-----------------|------------------|-------------------|--------------------------------|
| | | | | Jul-10 | Aug-10 | Sep-10 | |
| MUNICIPAL ACCOUNT | | | | | | | |
| NAB | 23/11/2010 | 1,000,000 | 5.60% | | 1,000,000 | 1,000,000 | |
| Bankwest | 23/11/2010 | 1,500,000 | 5.75% | | 1,500,000 | 1,500,000 | |
| ANZ | 24/11/2010 | 1,500,000 | 5.85% | | 1,500,000 | 1,500,000 | |
| ANZ | 27/01/2011 | 1,000,000 | 6.00% | | 1,000,000 | 1,000,000 | |
| Bankwest | 27/01/2011 | 1,000,000 | 6.00% | | 1,000,000 | 1,000,000 | |
| Bendigo | 25/02/2011 | 1,000,000 | 6.05% | | 1,000,000 | 1,000,000 | |
| NAB | 25/02/2011 | 1,500,000 | 6.07% | | 1,500,000 | 1,500,000 | |
| Bendigo | 3/11/2010 | 1,000,000 | | | | 1,000,000 | |
| Bankwest | 3/11/2010 | 1,500,000 | | | | 1,500,000 | |
| ANZ | 2/12/2010 | 1,500,000 | | | | 1,500,000 | |
| Bankwest | 17/01/2011 | 1,000,000 | | | | 1,000,000 | |
| NAB | 16/03/2011 | 1,000,000 | | | | 1,000,000 | |
| | | | | 0 | 8,500,000 | 14,500,000 | n/a |
| RESERVES ACCOUNT | | | | | | | |
| Bendigo | 23/11/2010 | 1,500,000 | 5.85% | | 1,500,000 | 1,500,000 | |
| Bendigo | 16/12/2010 | 1,000,000 | 5.70% | | | 1,000,000 | |
| | | | | 0 | 1,500,000 | 2,500,000 | n/a |

APPENDIX 5 - PORTFOLIO VALUATION - MARKET VALUE – 30 SEPTEMBER 2010

| Security | Maturity Date | Security Cost (Incl accrued interest) | Current Interest % | Market Value | Market Value | Market Value | Latest Monthly Variation |
|---|---------------|---|------------------------------|------------------|-------------------|-------------------|--------------------------------|
| | | | | Jul-10 | Aug-10 | Sep-10 | |
| COMMERCIAL SECURITIES - CDOs (New York Mellon)** | | | | | | | |
| Saphir (Endeavour) AAA | 4/08/2011 | 413,160 | 9.10% | 354,120 | 354,120 | 354,120 | 0 |
| Zircon (Merimbula AA) | 20/06/2013 | 502,450 | 8.87% | 155,750 | 155,750 | 155,750 | 0 |
| Zircon (Coolangatta AA) | 20/09/2014 | 1,002,060 | 9.12% | 307,100 | 307,100 | 307,100 | 0 |
| Beryl (AAAGlobal Bank Note) | 20/09/2014 | 200,376 | 8.42% | 159,380 | 159,380 | 159,380 | 0 |
| | | 2,118,046 | | 976,350 | 976,350 | 976,350 | 0 |
| COMMERCIAL SECURITIES - CDOs - Other | | | | | | | |
| Magnolia (Flinders AA) | 20/03/2012 | 171,994 | 9.32% | 144,500 | 144,500 | 144,500 | 0 |
| Start (Blue Gum AA-) | 22/06/2013 | 276,708 | 8.77% | 11,000 | 11,000 | 11,000 | 0 |
| Corsair (Kakadu AA) | 20/03/2014 | 273,710 | 8.37% | 68,750 | 68,750 | 68,750 | 0 |
| Helium (C=Scarborough AA) | 23/06/2014 | 602,244 | 8.77% | 48,000 | 48,000 | 48,000 | 0 |
| | | 1,324,656 | | 272,250 | 272,250 | 272,250 | 0 |
| PORTFOLIO TOTAL | | 3,442,702 | | 1,248,600 | 11,248,600 | 18,248,600 | 0 |

APPENDIX 6 – FINANCIAL RATIOS

| CITY OF ALBANY FINANCIAL RATIOS | 30-Jun-09 | 30-Jun-10 | 31-Jul-10 | 31-Aug-10 | 30-Sep-10 | Benchmark |
|---|------------------|------------------|------------------|------------------|------------------|------------------|
| Liquidity Ratios | | | | | | |
| Current Ratio ¹ | 73.7% | 118.5% | 709.1% | 681.3% | 629.5% | >100% |
| Untied Cash to trade creditors Ratio ² | 19.7% | 45.4% | 61.8% | 1195.8% | 2232.3% | >100% |
| Financial Position Ratio | | | | | | |
| Debt Ratio ³ | 11.2% | 11.1% | 9.3% | 9.1% | 9.3% | <100% |
| Debt Ratios | | | | | | |
| Debt Service Ratio ⁴ | 11.1% | 7.5% | 7.3% | 7.3% | 7.1% | <10% |
| Gross Debt to Revenue Ratio ⁵ | 63.2% | 56.9% | 71.2% | 70.6% | 69.3% | <60% |
| Gross Debt to Economically Realisable Assets ⁶ | 26.2% | 25.9% | 15.6% | 15.4% | 15.6% | <30% |
| Coverage Ratio | | | | | | |
| Rate Coverage Ratio ⁷ | 58.5% | 63.3% | 92.0% | 90.7% | 84.9% | >33% |
| Effectiveness Ratio | | | | | | |
| Outstanding Rates Ratio ⁸ | 3.7% | 5.4% | 4.7% | 4.7% | 4.9% | <5% |

1. This ratio focuses on the liquidity position of a local government.
2. This ratio provides an indication of whether a local government has sufficient unrestricted cash to pay its trade creditors.
3. The ratio is a measure of total liabilities to total assets or alternatively the number of times total liabilities are covered by the total assets of a local government. The lower the ratio of total liabilities to total assets, the stronger is the financial position of the local government.
4. This ratio measures a local government's ability to service debt (principal and interest) out of its available operating revenue.
5. This ratio measures a local government's ability to service debt in any given year out of total revenue.
6. This ratio provides a measure of whether a local government has sufficient realisable assets to cover its total borrowings.
7. The Coverage Ratio measures the local governments dependence on rate revenue to fund its operations. The higher the ratio, the less dependent a local government is on grants and external sources to fund its operations.
8. The Effectiveness Ratio measures the effectiveness of a local governments with the collection of its rates. It would be expected to be above 5% at this time of the year but reduce to below the benchmark at 30 June.

2.3: REQUEST TO ADOPT FIRST QUARTER 2010-11 BUDGET REVIEW

| | |
|-----------------------------------|---|
| File Number (Name of Ward) | : FM.BUG.2 |
| Disclosure of Interest | : Nil |
| Proponent | : City of Albany |
| Previous Reference | : Annual Budget – OCM 29 th June 2010 |
| Consulted References | : Local Government Act 1995 |
| Reporting Officer(s) | : Manager of Finance (P Wignall) |
| Responsible Officer | : Executive Director Corporate and Community Services (WP Madigan) |

IN BRIEF

- Adoption of first quarter 2010-11 Budget review.

BACKGROUND

1. At the Special Council Meeting held on 29th June 2010, Council resolved at Item 6.1 (xii):

One month before the scheduled quarterly review, council convene a meeting for the purpose of managing the budget and overseeing its progressive implementation.

2. An Elected Members Workshop was held on Tuesday 28th October 2010.
3. An overview of the first quarterly review of the 2010-11 Budget was presented.

DISCUSSION

4. The net position of the Budget following the first quarter 2010-11 Budget review is a surplus of \$35,125. As the review covers only two months of actual transactions, it is not possible to determine trends in revenue and expenditure. It is not considered prudent therefore to apply this small surplus to any unbudgeted activities.
5. The budget review incorporates carryovers from 2009-10 into the 2010-11 budget. Most of the carryovers result from projects which were not completed at the end of the 2009/10 financial year. There is no net impact on the budget for 2010-11
6. There are a number of required amendments resulting from changed circumstances since formulation of the 2010/11 budget. Significant items include:

a. Rates Revenue

An adjustment has been made to revenue from the granting of a concession to GRV Vacant Land owners. An off-setting adjustment has been made to the budgeted reserve transfer. The relevant amount is \$1.3 million. The net impact of the proposed changes is nil.

b. Financial Assistance Grant Revenue

At the time that the 2010-11 Budget was formulated, the exact amount of the 2010-11 Financial Assistance Grants was unknown. An amount of \$62,625 over that provided in the 2010-11 Budget will be received. The quarter one review incorporates this increase in revenue. The additional revenue has been applied in part to minor operational changes totalling \$27,500.

c. Corporate and Community Services – Capital / Albany Entertainment Centre

A contingent amount of \$125,000 has been designated as a transfer from reserves should Council decide to carry out car parking works at the Albany Entertainment Centre during the second quarter of 2010-11.

d. Works and Services – City Assets

It is proposed that an amount of \$6,000 be re-directed from 'Signage for the Middleton Beach Management Plan' to fund work on the Middleton Beach Concept Plan.

e. Works and Services – Landfill Operations

A waste operation feasibility study is proposed to be undertaken to assess options for the management of land fill sites. The cost of the study is to be \$40,000 and will be funded from refuse income (\$24,000) and line item 'Regional Waste Site Investigation' (\$16,000). The net impact of the proposed change is nil.

f. Works and Services – Construction Waste

Construction of a Household Hazardous Waste Facility at Hanrahan Rd is proposed. The cost of the facility is \$23,445 and will be funded from savings identified in perimeter/security fencing at Hanrahan Rd (\$10,141) and Bakers Junction (\$13,278) facilities. The net impact of the proposed change is nil.

g. Works and Services – Other Capital

The 2010-11 Budget included a fully funded item for water harvesting (\$2 million). Funding will not be available and the work has been cancelled. The net impact of the proposed change is nil.

h. Works and Services – Other Capital/Drainage

An upgrade to the North Rd Soccer Field was budgeted at a cost of \$129,000. Additional funding has been secured (\$199,000) and a line item for Cull Park Catchment improvements (\$70,000) has been cancelled. The net impact of the proposed change is nil.

i. Works and Services – Roads

Additional funding of \$2.3 million has been received for the upgrade/renewal of Down Rd. The budgeted value of \$675,000 has been increased accordingly. A carryover from 2009-10 takes the revised value of the job to \$3.155 million. The net impact of the proposed change is nil.

STATUTORY REQUIREMENTS

7. Under the Local Government Act, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- is incurred in a financial year before the adoption of the annual budget by the local government
 - is authorised in advance by a resolution (absolute majority required) or
 - is authorised in advance by the mayor in an emergency

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. A summary of the proposed quarter one review follows:

| | Original Budget | Proposed Budget | Proposed Adjustment |
|--------------------------------|------------------------|------------------------|----------------------------|
| General Management | 1,322,458 | 1,322,458 | 0 |
| Corporate & Community Serv. | 7,558,921 | 7,591,421 | 32,500 |
| Development Services | 1,751,112 | 1,751,112 | 0 |
| Works & Services | 13,799,472 | 13,794,472 | (5,000) |
| General Purpose Income | (27,665,689) | (27,728,314) | (62,625) |
| Loans | 3,233,726 | 3,233,726 | |
| Total (Surplus)/Deficit | 0 | (35,125) | (35,125) |

STRATEGIC IMPLICATIONS

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

SUMMARY CONCLUSION

11. Nil.

ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the 1st Quarter Budget Review.

ABSOLUTE MAJORITY

8.09.04PM: Councillor Matla moved that the Responsible Officer Recommendation be Adopted. Councillor Sutton seconded the motion.

8.09.10PM: Councillor Leavesley supported the motion except for amount of \$6000 allocated under 6d Works and Services City Assets. Councillor Leavesley pointed out the Council currently has a two year moratorium on funding for community assistance, and Council must be fair and equitable regarding the moratorium. To support the Middleton Beach Users Group over other community organisations could not be considered fair and reasonable. Councillor Leavesley asked that 6d be removed from list for him to be able to support the recommendation.

8.10.17PM: The CEO suggested that Councillor Leavesley move an amendment to that effect, and if supported 6d could be removed from the list.

8.10.23PM: Councillor Matla then asked as the mover of the motion if she was permitted to move the amendment to the motion.

8.10.30PM: The CEO said that with the consent of the seconder, Councillor Sutton, Councillor Matla could make an amendment to the Responsible Officer Recommendation.

8.11.05PM: The amendment then became the motion and was then put.

ITEM 2.3: RESOLUTION

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR SUTTON**

The 1st Quarter Budget Review be ADOPTED *excluding the request by the Middleton Beach Users Group for funding outlined at 6d in the officers report.*

**CARRIED 11-0
ABSOLUTE MAJORITY**

Councillor's Reason:

Council currently has a moratorium on funding for two years for community assistance.

2.4: 2009 – 2010 FINANCIAL YEAR SURPLUS

File Number (Name of Ward) : FM.BUG.2
Proponent : City of Albany
Consulted References : [Local Government Act 1995](#)
Reporting Officer(s) : Manager of Finance (P Wignall)
Responsible Officer : Executive Director Corporate and Community Services
(WP Madigan)

IN BRIEF

- Approval to transfer any 2009-10 financial year surplus to reserves.

BACKGROUND

1. Any surplus/deficit in budgeted funding against expenditure is determined as part of the completion of the annual accounts for 2009-10.

DISCUSSION

2. The annual accounts will be audited in October. As such, the estimated surplus may be subject to change.

FINANCIAL IMPLICATIONS

3. The surplus for 2009-10 after carryovers is estimated to be \$50,734. It is proposed that the surplus be credited to the Planning Reserve, making it available in 2010-11 for the cost of the CEO recruitment, or if not entirely required for this purpose, as directed by Council.

STRATEGIC IMPLICATIONS

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

ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the transfer of the 2009-2010 surplus to the Planning Reserve to fund the CEO recruitment, or if not entirely required for this purpose, as subsequently directed by Council.

ITEM 2.4: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR DUFTY**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

2.5: ALBANY PUBLIC LIBRARY – UNIVERSITY WESTERN AUSTRALIA AGREEMENT

| | |
|-----------------------------------|---|
| File Number (Name of Ward) | : CS.LIB.4 (All Wards) |
| Land Description | : Albany Public Library – York Street, Albany |
| Disclosure of Interest | : Nil |
| Business Entity Name | : City of Albany |
| Previous Reference | : Nil |
| Attachment(s) | : Nil |
| Appendices | : UWA Joint use Operating Costs as at September 2010 |
| Consulted References | : N/A |
| Reporting Officer(s) | : Manager, Library Services (B Wellstead) Executive Manager Community Services (D Schober) |
| Responsible Officer | : Executive Director, Corporate and Community Services (WP Madigan) |

IN BRIEF

- To recover from the University of Western Australia – Albany Centre the full annual joint use service costs attributable.

BACKGROUND

1. On 27th September 2001 the University of Western Australia (UWA) and the City of Albany (COA) signed a Memorandum of Understanding to *'provide a framework for mutual understanding and agreement as to the respective roles'* of each party.
2. On the 4th June 2002 the first Agreement between the UWA and the COA for the provision of library services at Albany Public Library (APL) to staff and students of UWA programs offered through the UWA Albany centre was signed.
3. The Agreement covered the scope of library services to be provided for Albany UWA students, the role of the Albany UWA Centre, the role of the APL, financial considerations and payment for APL services and facilities. It also stipulates the method of payment and options for review and dispute resolution.
4. UWA resources are only available to the general public when not required by UWA staff or students. No restrictions apply to UWA staff and student accessing facilities and services.
5. The original agreement included the following parameters:

Floor space

| | |
|---|----------|
| APL Total floor area (after extensions) | 1292 sqm |
| UWA requirement area | 160 sqm |
| UWA proportion of total area | 12.5% |
| | |
| Total public area | 991 sqm |
| UWA proportion of public area | 16.15% |

Capital upgrade costs

| | |
|---------------------------------|-------------|
| Total project budget | \$1,320,000 |
| /less items not relevant to UWA | -\$24,500 |
| Project costs relevant to UWA | \$1,295,500 |

Extension cost p/sqm (relevant to UWA) \$2,601

UWA's share of extensions @ \$160sqm \$416,225

6. UWA received grant funding of \$700,000 to contribute the APL extension project. The balance of funds not spent on capital works were carried over to cover annual joint use operational expenses.

7. These have been acquitted as set out in the table below:

UWA GRANT RECONCILIATION (excl GST)
Excluding Depreciation

Income
earned
7%

| | |
|---|------------------|
| TOTAL GRANT | \$700,000 |
| less Capital contribution for Building Project | \$416,225 |
| Net contribution - Operating Expenditure | \$283,775 |

Received 20/12/02

Interest

| | | | | |
|--|----------|------------|-------------------|------------|
| Less Operating 2001/02 | \$ 7,777 | | | |
| Less Operating 2002/03 | \$31,750 | (\$ 9,578) | \$253,826 | 30/06/2003 |
| Less Operating 2003/04 | \$35,828 | (\$15,260) | \$233,258 | 30/06/2004 |
| Less Operating 2004/05 | \$36,367 | (\$13,782) | \$210,674 | 30/06/2005 |
| Less Operating 2005/06 | \$45,161 | (\$11,586) | \$177,099 | 30/06/2006 |
| Less Operating 2006/07 | \$49,037 | (\$ 8,964) | \$137,026 | 30/06/2007 |
| Less operating 2007/08 | \$59,055 | (\$ 8,263) | \$ 86,234 | 30/06/2008 |
| Less operating 2008/09 | \$61,623 | (\$ 1,128) | \$ 25,739 | 30/06/2009 |
| Less operating 2009/10 (Actual \$58,253) | \$50,000 | | -\$ 24,261 | 30/06/2010 |
| Estimate 2010/11 | \$41,862 | | -\$ 66,123 | 30/06/2011 |

8. In 2005 the original agreement was reviewed and re-signed. This agreement subsequently expired on the 31st December 2007.

9. In March 2008 Ms Billy Wellstead commenced employ at the APL as Manager, Library Services. Shortly thereafter Ms. Wellstead sent UWA an updated draft agreement for execution. This included a reduction to the UWA proportion of the total floor area attributable, based on stated changes in usage requirements. See below:

Floor space

| | |
|------------------------------|-----------|
| APL Total floor area | 1292 sqm |
| UWA requirement area | 137.5 sqm |
| UWA proportion of total area | 11% |

10. In accordance with standard financial practice, the City included depreciation expenses (which had previously not been factored) in the reviewed draft 2008 agreement. This resulted in a direct cost to the City of \$68, 989 for the 2009/2010 period.

11. Following consultation and negotiation with UWA, the City agreed to remove depreciation expenses arriving at \$58,253. In order to reach agreement the City, in a

gesture of goodwill, agreed to re-set the contribution to \$50,000. This resulted in a balance of \$24,261 owing at 30/06/2010.

12. The removal of depreciation expenses further extended the capacity of the residual grant funds to cover on-going joint use operational costs until 2009/10.
13. In the 2009/10 financial year UWA student transaction totalled 1,648 from 4,581 total equating to 36%. This figure does not represent student use of UWA resources in-house where they are referenced and copied. As a result staff do not believe this figure fully reflects actual student usage of APL services.
14. Following the City's request for UWA to specify service provision requirements, the City has re-costed the joint use service and amended the financial contribution included in the estimate for 2010/11 (see table above). This included removal of the individual study desks and study spaces, IT workstations and ancillary spaces as originally stipulated.
15. Feedback from UWA has been collated and adjustments made accordingly where applicable. In 2010 UWA advised that it no longer required certain facilities which resulted in a further reduction of the allocated floor-space from 11% to 4%.
16. The points of difference are as follows:
 - Both UWA and the City do not agree on the annual contribution amount.
 - UWA contends the annual contribution should be \$15,000 based on staffing, operational costs and service levels.
 - The City of Albany contends the annual contribution should be as reflected in the table and has provided analysis, including time and motion studies, to demonstrate staffing and service level standards.
 - UWA does not believe in contributing to all operational costs on the basis that the City provides a service irrespective of the APL/UWA agreement and proposes the following exclusions: lift, utilities, security system and insurance.
 - The City has asked why UWA did not raise the issue of the contribution amount earlier if it believed the fee was unreasonable, given the agreement has been in place since 2002.
17. In order to facilitate a response, an invoice (based on the original estimate for 2009/10) of \$50,000 was issued to UWA. This invoice remains unpaid, although UWA have, through the CEO, offered to pay \$10,000 in good faith, until agreement can be reached.

DISCUSSION

18. City staff believe the contribution amount specified, as per the current joint use operational costs table, fairly reflects the quality and level of APL service provision to UWA and the general operational costs attributable.
19. The APL is a community service and the UWA contribution represents a significant income stream.

STATUTORY IMPLICATIONS

20. Nil

FINANCIAL IMPLICATIONS

22. The UWA contribution included in the 2010/11 budget is \$48,000. Any removal or reduction in this contribution will impact on the APL's financial position.
NB: Outstanding balance (including 2010/11 estimate) = \$74, 376.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

23. This item directly relates to objective

Economic Development

2.7. *“Albany will be a City where we are recognised as a true University City and vocational development is supported by quality educational and training services”.*

Corporate Governance

4.2. *“The City of Albany will manage our municipal assets to ensure they are capable of supporting a growing community”.*

POLICY IMPLICATIONS

24. Nil

OPTIONS

Option A

25. UWA pays outstanding balance in full.

Option B

26. Council considers making a contribution by way of a subsidy towards the annual UWA joint use operating costs. It is important to note that the APL requires the full amount attributed for service provision to UWA in order to avoid financial disadvantage which would impact negatively on other aspects of Library operations.

SUMMARY CONCLUSION

27. Both UWA and APL/City of Albany recognise an agreement is mutually beneficial.

ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council seek to recover from the University of Western Australia – Albany Centre the full annual joint use service costs attributable.

ITEM 2.5: RESOLUTION

**MOVED: COUNCILLOR LEAVESLEY
SECONDED: COUNCILLOR DUFTY**

To lay this item on the table for one month to facilitate further negotiation with UWA.

CARRIED 9-2

Against the Motion: Councillors J Matla and C Holden.

2.6: NEW LICENCE FOR WATER CORPORATION ON PORTION OF RESERVE 2681 JA BARNESBY MEMORIAL LOOKOUT, MT MELVILLE

| | |
|-----------------------------------|--|
| File Number (Name of Ward) | : PRO065 (Frederickstown Ward) |
| Land Description | : Lot 1469 on Plan 219955 portion of Reserve 2681 |
| Disclosure of Interest | : Nil |
| Proponent | : Water Corporation |
| Consulted References | : Council Policy – Property Management Leases Local Government Act 1995 Land Administration Act 1997 |
| Reporting Officer(s) | : Property Officer (T Catherall) |
| Responsible Officer | : Executive Director Works & Services (WP Madigan) |

IN BRIEF

- Consider new licence for Water Corporation over area it currently occupies for the purpose of Supervisory Control and Data Acquisition (SCADA) telecommunication equipment.
- Licence term to be 5 years with an option for 3 further 5 year terms.

BACKGROUND

1. JA Barnesby Memorial Lookout commonly referred to as “Mt Melville Lookout” is located on portion of Reserve 2681 under a Management Order H603437 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of Public Park and Telecommunications for a term not exceeding 21 years.
2. Water Corporation existing licence for a term of 5 years with an option for 2 further 5 year terms commenced on 11 September 1995 and expired on 10 September 2010.
3. A written request has been received from the Water Corporation for a new licence over the area it currently occupies on portion of Reserve 2681 for the purpose of SCADA telecommunication equipment.
4. Council has at present the following various licences and leases utilising the tower and the 2 utility rooms at the Mt Melville Lookout located on portion of Reserve 2681 for telecommunication purposes:
 - Optus Mobile Pty Ltd.
 - Vodafone Network Pty Ltd.
 - Fire and Emergency Services Authority of WA.
 - Albany Business Telephones.
 - Tarossa Pty Ltd.
 - Belcap Pty Ltd.

DISCUSSION

5. Water Corporation is a government-owned corporation providing water, wastewater, drainage and irrigation services in Western Australia.
6. SCADA telecommunications are provided using a radio network. These communications are considered vital by Water Corporation for operation and monitoring of assets, management of water supply schemes and wastewater networks.

7. In accordance with the licence agreement between the City of Albany and Optus for Mt Melville Lookout, all new requests for leases and licences must be presented to Optus for approval.
8. Optus have advised they have no objections to the new licence for Water Corporation.
9. The proposed new licence will be for a term of 5 years with an option for 3 further 5 year terms.
10. Licence rental will be determined by a current market valuation provided by an independent Certified Practising Valuer, with rent reviews in line with Council's Policy - Property Management - Leases for this category of lease agreements.
11. All costs associated with the preparation, execution and completion of the licence documentation will be borne by the proponent, Water Corporation.

PUBLIC CONSULTATION / ENGAGEMENT

12. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including Leased land and buildings.
13. This section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
14. Section 30 of the Local Government (Functions & General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30(2)(b & c) states that Section 3.58 of the Act is exempt if:
 - (b) *The land is disposed of to a body, whether incorporated or not –*
 - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary from the body's transactions;*
 - (c) (ii) *a department, agency, or instrumentality of the Crown in right of State or the Commonwealth; or*
15. Water Corporation is a government owned corporation and therefore, exempt from the advertising requirements of section 3.58 of the Local Government Act 1995.

STATUTORY IMPLICATIONS

16. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.
17. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
18. As this is Crown reserve 2681, under a Management Order issued to the City of Albany for the purpose of Public Park and Telecommunications, Ministerial approval will be required.

FINANCIAL IMPLICATIONS

19. All costs associated with the preparation and implementation of the new licence documentation will be borne by the proponent, Water Corporation.
20. The new lease rental will be determined by a current market valuation provided by an independent Certified Practising Valuer.
21. The licence income will be directed to COA 140530 Income – Misc Commercial.

POLICY IMPLICATIONS

22. Council adopted a Property Management – Leases Policy in 2008. This policy aims to ensure that all requests for leases and licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
23. The recommendation is consistent with Council's Policy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. Council has the following options in relation to this item, which are:
 - a. Approve the request for a new licence; or
 - b. Decline the request.
25. Should Council decline the request for a new licence, the Water Corporation would be required to vacate and remove all equipment from the Mt Melville Lookout premises and find an alternate location for the SCADA telecommunication equipment.

SUMMARY CONCLUSION

26. Water Corporation has fulfilled previous lease terms and conditions and paid all accounts in full.
27. In view of the critical service SCADA communications provides the Water Corporation and community at no cost to Council, the request for a new licence over the existing area at Mt Melville Lookout is recommended.

ITEM 2.6: RESPONSIBLE OFFICER RECOMMENDATION

Subject to section 3.58 of the Local Government Act 1995 and Section 18 of the Land Administration Act 1997, the Water Corporation request for a new licence on Lot 1469 on Plan 219955 being portion of Reserve 2681, Mt Melville be APPROVED subject to:

1. Licence term to be 5 years with an option for a further 5 year term commencing 11 September 2010.
2. Licence purpose being for Supervisory Control and Data Acquisition (SCADA) telecommunications equipment.
3. Licence rental fee to be determined by current market valuation provided by an independent Certified Practising Valuer.
4. Rent to be reviewed by current market valuation every 5 years with CPI applied for intervening years.
5. All relevant licence approvals to be received prior to commencement of licence.
6. Water Corporation telecommunication equipment must not cause damage to or interference with equipment of any other users of the telecommunication facility.
7. All costs associated with the preparation and implementation of the licence to be payable by the proponent, Water Corporation.

ITEM 2.6: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR MATLA

THAT the Responsible Officer Recommendation be ADOPTED.

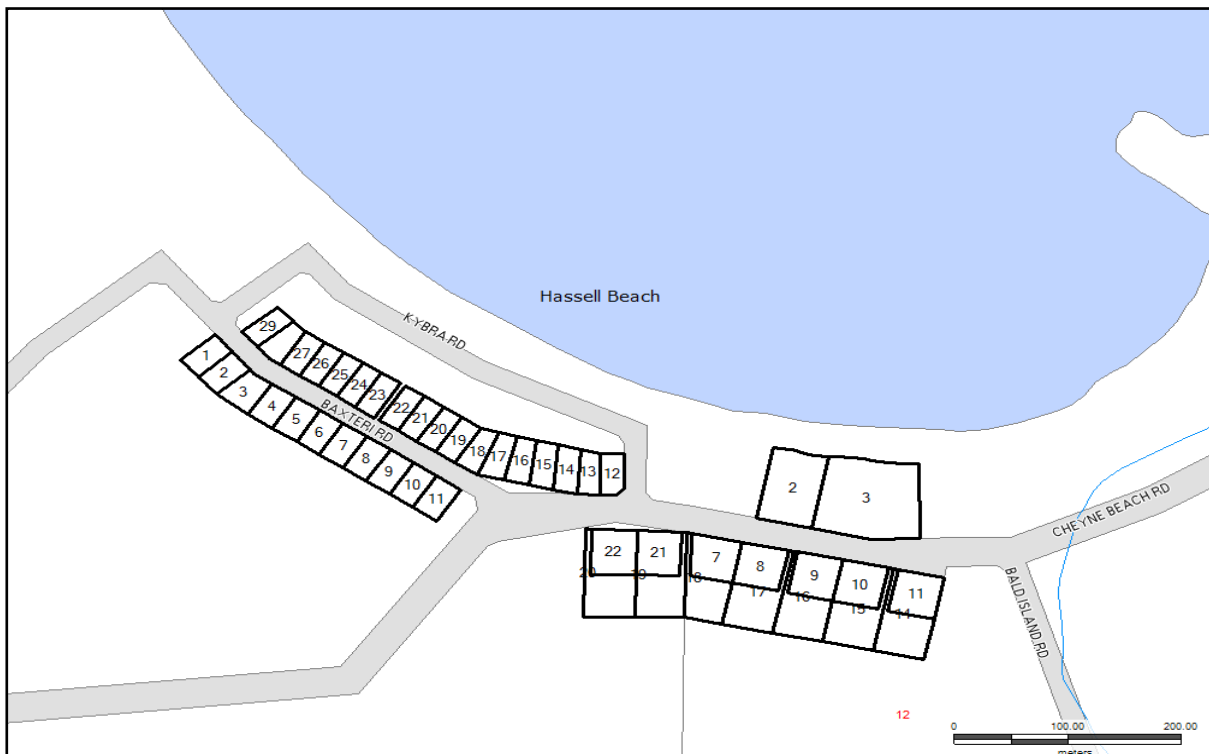
CARRIED 11-0

2.7: NEW LEASES - CHEYNE BEACH HOLIDAY ACCOMMODATION - RESERVE 878

File Number (Name of Ward) : PRO264 (Kalgan Ward)
Land Description : Lot 7442 on Plan 214689 on portion of Reserve 878 Cheyne Beach
Proponent : City of Albany
Owner : Crown
Business Entity Name : Nil
Previous Reference : OCM 17.07.2001 Item 11.3.2
 OCM 18.09.2001 Item 11.3.2
 OCM 16.08.2005 Item 11.1.1
Consulted References : • Council’s Policy – Property Management – Leases
 • Local Government Act 1995
 • Land Administration Act 1997
Reporting Officer(s) : Property Officer (T Catherall)
Responsible Officer : Executive Director (WP Madigan)

IN BRIEF

- Consider all 29 Cheyne Beach holiday accommodation leases located at Baxteri Road on Reserve 878 for terms up to 5 years upon expiry.
- Determine lease rental methodology that reflects the value of the property and maximises the benefit to Council.



BACKGROUND

1. Reserve 878 is under a Management Order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of Recreation, Camping, Holiday Accommodation, Accommodation associated with the fishing industry and Fire Station for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Reserve 878 Cheyne Beach is located approximately 63km east of Albany at the south end of Hassell Beach. The location is also commonly referred to as “Cheynes Beach”.
3. The 115 hectare Reserve is surrounded by approximately 3,500 hectares of National Park.
4. The former Shire of Albany granted 29 leases for holiday accommodation purposes on Reserve 878 Cheyne Beach for a term of 21 years with no option of a further term. The lots are located on Baxteri Road, Cheyne Beach.
5. The Shire of Albany granted the existing leases for short term stay holiday accommodation based on the premise that the holiday accommodation was not to be occupied for more than 3 months within any one year and permanent occupation is not permitted.
6. The initial lease rental of \$145.00 per annum was set as the equivalent to Minimum Land Rate and reviewed every 2 years.
7. The Lessees have constructed buildings and infrastructure on the leased land and are responsible for collection of rain water and connection of power and septic systems.
8. At expiry, pursuant to the lease, unless otherwise agreed with the Landlord the Lessees are required to remove buildings and improvements and restore the land to its original condition.
9. Any buildings or infrastructure left on site 3 months after the expiry of lease become the property of Council.
10. Council has continually supported the freeholding of the existing leases at Cheyne Beach. At its meeting dated 18 September 2001 the City resolved to write to the State Government requesting LandCorp (the government’s development agency) prepare a detailed structure plan over Reserve 878 and convert the leases into freehold titles at Cheyne Beach.
11. LandCorp were unable to commit to undertaking the structure planning work and free holding of the leases at that time.
12. At its meeting dated 16 August 2005, Council again resolved to advocate with LandCorp to convert the leases to freehold and expand the settlement of Cheyne Beach, promoting on-site collection and disposal of potable and waste water. A petition signed by the lease holders in support of free holding was also referred to LandCorp identifying that the community was supportive of the request.
13. Again LandCorp who were managing a number of priority projects across the state could not commit to doing further feasibility studies and the preparation of the structure plan.

14. Staff in recent discussions with LandCorp has been advised that a project application under LandCorp's Regional Development Assistance Program (RDAP) is required to undertake the feasibility assessment.
15. The 2011 funding round call for project application opens in November this year.
16. Staff will lodge an RDAP application in November 2010 for an initial feasibility study to determine the likely infrastructure costs and environmental impacts of expanding the town site.
17. The expansion of Cheyne Beach to a 100 lot town site is advocated in the Albany Local Planning Strategy (ALPS), subject to the servicing and environmental constraints being addressed
18. Of the 29 leases, to date 13 have expired and are continuing on monthly tenancies, with the remaining leases expiring over the period to 2014.
19. As there had been a degree of uncertainty regarding the future of leases on Reserve 878 and the conversion of leasehold lots to freehold titles, the expired leases have been held over on a month-to-month tenancy basis.
20. The conditions of the tenancy preserved the covenants and conditions of the existing lease, except in respect of the term of the lease with there being no arrangement offered beyond the holding over period.
21. To avoid any doubt as to the ongoing tenancy arrangements Lessees confirmed their understanding and agreement to a temporary holding over basis prior to the expiry date of their lease, pending determination by Council of the status of the holiday accommodation leases.
22. Also located on Reserve 878 are 6 fisherman accommodation leases for a term of 10 years with an option for a further 10 year term for a rental based on unimproved land value of \$1,375.00 plus GST per annum. It is noted these leasehold lots are not being considered by LandCorp for freehold titles.
23. In addition to the Reserve 878, the Department for Planning and Infrastructure has created a freehold land parcel, developed as a caravan park with fuel and convenience store to serve the day-to-day needs of the community.
24. The City of Albany has received requests from the current Lessees requesting Council consider granting new leases whilst continuing to pursue freehold title as they have invested substantial sums of money constructing buildings and infrastructure on the leasehold lots and seek security of tenure.
25. If Council intends to enter into new leases over the Land it must seek the Minister for Lands consent before doing so.

DISCUSSION

26. In considering new Cheyne Beach holiday accommodation leases there are 3 options available to Council at the expiry of current leases:

Option 1: Termination and fresh lease to current tenants:

- Allow current lease terms to expire and enter into a new lease with the current tenants.
- This would allow Council to let the premises on rental terms that better reflect the value of the property.
- New lease for new term and conditions.

Option 2: Termination and removal of premises:

- Once the current lease terms expire, require the tenants to vacate the premises in accordance with the lease.
- The tenant would be required to remove buildings and improvements and restore the land to its original condition.
- The land would then be advertised inviting expressions of interest to construct holiday accommodation on the lot.
- New lease for new term and conditions.

Option 3: Termination and new lease to new tenants:

- Allow the current lease terms to expire and enter into new lease with new tenants.
- This would require the cooperation and agreement of the vacating tenants not to remove the buildings and infrastructure.
- There may be an obligation on Council to compensate the vacating tenants.
- The land and building would be advertised inviting expressions of interest for new tenants.
- New lease for new term and conditions.

27. Option 1 is recommended as the preferred choice as this leasing arrangement allows current tenants to secure tenure over the improved property and allowing Council to maximise a rental return that reflects the value of the property whilst future development decisions are being progressed.
28. Option 2 would be particularly difficult to implement given the tenants costs involved to remove the buildings and infrastructure, the high level of community criticism that would be provoked given the impending proposed development resolution.
29. Option 3 may imply an obligation on Council to compensate the vacating tenants and there is no certainty as to the state and structural integrity of the buildings and infrastructure on the site, this may result in a maintenance liability for Council.
30. To ensure proper management of Council's resources, it is considered appropriate when considering new holiday accommodation leases to current tenants that Council adopt a rental methodology that reflects the value of the property and maximises the benefit to Council.
31. Council's Policy – Property Management – Leases current rental provision for this category of lease is determined as the equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
32. Other methods considered suitable for assessing lease rental are Gross Rental Value (GRV) and Unimproved Land Valuation (UV).
33. GRV is defined under the Valuation of Land Act 1978 as the gross annual rental that the land might reasonably be expected to realise if let on a tenancy from year to year upon condition that the landlord is liable for all rates, taxes and other charges thereon and the insurance and other outgoing necessary to maintain the value of the land.

34. During the term rent reviews would be in line with GRV assessment undertaken every 4 years with Consumer Price Index (CPI) All Groups Perth for intervening years.
35. GRV was last assessed 1 July 2007 with the next assessment to apply from 1 July 2011.
36. Market based UV's also referred to as ground rents represent the land only rental value and does not take into consideration any of the tenant constructed buildings or infrastructure on the land, and takes into account that on the termination of the leases, the tenants interest in the property has been extinguished.
37. UV rental methodology is deemed appropriate as the tenant has developed the land at no cost to Council.
38. If the UV rental method is applied rent would also be reviewed annually by CPI All Groups (Perth) during the up to 5 year term.
39. The following table compares the existing annual rents for the 13 expired leases using the proposed GRV rentals provided by Landgate (the Western Australian Land Information Authority) Valuation Services and UV rentals provided by Albany Valuation Services – Opteon.

These rents are based on the permitted use being holiday accommodation is not to be occupied for more than 3 months within any one year.

| Lot – Baxteri Rd Cheyne Beach | Assessment Number | Existing rent plus GST pa | GRV plus GST pa | UV Plus GST pa |
|----------------------------------|----------------------|------------------------------|--------------------|-------------------|
| 12 | A5658 | \$533 | \$1,656 | \$1,250 |
| 15 | A5601 | \$725 | \$1,728 | \$1,250 |
| 16 | A5821 | \$533 | \$1,800 | \$1,250 |
| 17 | A5644 | \$533 | \$1,872 | \$1,250 |
| 18 | A5645 | \$725 | \$1,704 | \$1,250 |
| 19 | A5822 | \$725 | \$1,584 | \$1,250 |
| 20 | A5666 | \$533 | \$1,512 | \$1,250 |
| 22 | A5742 | \$725 | \$1,488 | \$1,250 |
| 23 | A5873 | \$533 | \$1,584 | \$1,250 |
| 26 | A5646 | \$725 | \$1,656 | \$1,250 |
| 27 | A5647 | \$725 | \$1,536 | \$1,250 |
| 28 | A5648 | \$725 | \$1,536 | \$1,250 |
| 29 | A5667 | \$725 | \$1,776 | \$1,250 |

40. Council is required to make a decision to apply a rental method that will continue for holiday accommodation leases until expiry date.
41. In addition to rent, all leaseholders pay Council rates with charges for 2010/11 averaging \$900.00 per annum inclusive of \$50.00 ESL and \$50.00 rural waste.
42. Lessees are responsible for all relevant insurances and any land tax levied.
43. The proposed new lease term of up to 5 years with no option of a further term is considered appropriate bearing in mind all circumstances and will allow LandCorp sufficient time to assess the proposal of converting existing leased into freehold titles to be resolved and expanding the Cheyne Beach town site.
44. LandCorp agree that the recommended 5 year lease term is appropriate.
45. Terms of up to 5 years will be applied to ensure a common expiry date for all holiday accommodation leases.
46. If approved, the 13 expired leases currently on a month to month tenancy will be renewed for a term of 5 years commencing 1 January 2011 and expiring 31 December 2015.
47. The remaining leases upon expiry will be renewed for terms of up to 5 years allowing for a common expiry date of 31 December 2015. This will result in shorter than 5 year term for the remaining 16 leases.
48. Even though the new proposed lease term of up to 5 years with no option of a further term is clear it is also recommended there be a special condition detailing the Lessee hereby acknowledges and agrees that there is no offer of a new lease of the premises upon the expiry of the term of the lease.
49. The existing lease does not permit the keeping of animals or birds on the leased premises.
50. When considering new leases it is recommended this clause not be carried through to the proposed new lease as has been problematic to enforce.

PUBLIC CONSULTATION / ENGAGEMENT

51. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
52. This Section requires there to be local public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
53. Any proposed new leases will be advertised state-wide to comply with the requirements of Section 3.58 of the Local Government Act 1995.

STATUTORY IMPLICATIONS

54. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.

55. As this is Crown land, under a Management Order H359478 issued to the City of Albany for the purpose of Recreation, Camping, Holiday Accommodation, Accommodation associated with the fishing industry and Fire Station, Minister for Lands consent will be required.
56. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.

FINANCIAL IMPLICATIONS

57. All costs associated with the development, execution and completion of the new lease documentation including but not limited to legal, advertising, survey and valuation will be borne by the proponent.
58. The Officer Recommendation requests Council relax the Property Management - Leases Policy on the rental provision for this category of lease and apply a rental methodology that reflects the value of the property and maximises the benefit to Council.
59. The new lease rental will be directed to COA 190430 Income – Other leases.

POLICY IMPLICATIONS

60. Council adopted a Property Management - Leases Policy in 2007. This policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
61. This policy currently provides for Cheyne Beach holiday accommodation lease rental to be determined as the equivalent to Minimum Land Rate as set by Council per annum, but recognises the tenant's prior interest in the buildings and infrastructure..
62. It is recommended the policy provision determining rental for this category of lease be changed to allow for a rental methodology to be applied that reflects the value of the property and maximises the benefit to Council, either GRV or unimproved land market value.
63. Upon review of Council's Policy - Property Management - Leases it will be recommended amending the rental provision for Cheyne Beach holiday accommodation leases based on Council resolution.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

64. Council has the following options in relation to this item, which are:
 - a. Approve new leases to current tenants for terms up to 5 years with rental based on:
 - Minimum Land Rate; or
 - Gross Rental Value; or
 - Unimproved Land Value.
 - b. Instruct tenants to vacate and remove all buildings and infrastructure and return land to its original condition and invite expressions of interest to construct holiday accommodation; or

- c. Instruct current tenants to vacate and negotiate for the buildings and infrastructure to remain and lease to new tenants; or
 - d. Not consider any of the above.
65. Should Council not approve the new leases the tenants could remain on a monthly tenancy pending further Council decision on the future of Cheyne Beach holiday accommodation leases.

SUMMARY CONCLUSION

66. It is recommended new leases of up to 5 years allowing for a common expiry date of 31 December 2015, with no option for a further term be offered to the current tenants of holiday accommodation leases expiring at Cheyne Beach.

ITEM 2.7: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, subject to section 3.58 of the Local Government Act 1995, APPROVE new holiday accommodation leases located on Reserve 878 Cheyne Beach for terms of up to five years allowing for a common expiry date of 31 December 2015, with no option for a further term to be negotiated with current tenants upon expiry of existing leases subject to:

1. Valuation method determining rent to be:
 - Unimproved Land Value.
2. Holiday accommodation not to be occupied for more than 3 months in any calendar year.
3. Minister for Lands consent.
4. Lessee acknowledges and agrees there is no offer of a new lease upon expiry.
5. Pets be permitted on leased premises.
6. All costs associated with the development, execution and implementation of the lease to be met by the applicant.

ITEM 2.7: MOTION 1

MOVED: COUNCILLOR D BOSTOCK
SECONDED: COUNCILLOR J BOSTOCK

This item lie on the table in order to explore all courses of action available to the City.

LOST 5-6

For the Motion: Councillors J Bostock, D Bostock, M Leavesley, C Holden and R Hammond

ITEM 2.7: MOTION 2

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR WOLFE**

THAT the Responsible Officer Recommendation be ADOPTED.

ITEM 2.7: AMENDMENT 1

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR LEAVESLEY**

THAT the Responsible Officer Recommendation be adopted pending the following amendment:

- From: 5. Pets be permitted on leased premises
To: 5. Pets not be permitted on leased premises**

CARRIED 11-0

ITEM 2.7: AMENDMENT 2

**MOVED: COUNCILLOR J BOSTOCK
SECONDED: COUNCILLOR DUFTY**

THAT the wording of the Responsible Officer Recommendation be amended to read as follows:

Subject to section 3.58 of the Local Government Act 1995, new holiday accommodation leases located on Reserve 878 Cheyne Beach be APPROVED for terms of up to five years allowing for a common expiry date of 31 December 2015, subject to:

- 1. Valuation method determining rent to be:
 - Unimproved Land Value.**
- 2. Holiday accommodation not to be occupied for more than 3 months in any calendar year.**
- 3. Minister for Lands consent.**
- 4. Lessee acknowledges and agrees there is no offer of a new lease upon expiry.**
- 5. Pets not be permitted on leased premises.**
- 6. All costs associated with the development, execution and implementation of the lease to be met by the applicant.**

CARRIED 10-1

The MOTION, as amended, was PUT and CARRIED 10-1

Against the Motion: Councillor D Bostock.

2.8: ALBANY ENTERTAINMENT CENTRE FUNDING

| | |
|-----------------------------------|--|
| File Number (Name of Ward) | : ED.PJT.1 (Frederickstown Ward) |
| Land Description | : Albany Entertainment Centre |
| Disclosure of Interest | : Nil |
| Proponent | : City of Albany |
| Owner | : Crown |
| Business Entity Name | : Nil |
| Previous Reference | : N/A |
| Attachment(s) | : Nil |
| Appendices | : Nil |
| Consulted References | : Nil |
| Reporting Officer(s) | : Executive Manager of Community Development (D Schober) |
| Responsible Officer | : Executive Director (WP Madigan) |

The State Government is currently drafting a Memorandum of Agreement relating to the Albany Waterfront precinct.

This agreement will be provided by the Great Southern Development Commission and will outline operational requirements for the Albany Entertainment Centre, financial matters relating to the land transaction and requests for the future operation of the Town Hall.

The Perth Theatre Trust (Department of Culture and the Arts – State Government) who have been vested ownership of the AEC, have been asked on numerous occasions to provide a draft agreement for Council consideration. Due to the political environment this has not been forthcoming. This document is vital in order for Council to consider any financial implications relating to operations. It also will serve to determine a way forward with respect to the future use of Albany Town Hall, as it will detail any restriction imposed on Town Hall operations, in order to eliminate any competition for performances between the venues.

ITEM 2.8: RESPONSIBLE OFFICER RECOMMENDATION

That the draft Memorandum of Agreement be referred to an Elected Members Workshop prior to consideration by Council.

ITEM 2.8: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR LEAVESLEY**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

3.1: PEACE POLE AND SEATING IN ALISON HARTMAN GARDENS

| | |
|-----------------------------------|---|
| File Number (Name of Ward) | : RC.PRG.2 (Frederickstown) |
| Land Description | : Alison Hartman Gardens, York Street |
| Business Entity Name | : Albany Baha'i Community |
| Attachment(s) | : Map of proposed location of the Peace Pole and seating Drawings and specifications of the Peace Pole and seating |
| Maps and Diagrams | : Refer to attachment |
| Reporting Officer(s) | : Project Coordinator (V Duncan) |
| Responsible Officer | : Executive Director Works and Services (K Ketterer) |

IN BRIEF

- The Albany Baha'i Community presented a proposal to the Streetscape Advisory Committee to erect a Peace Pole and Seating in the Alison Hartman Gardens.
- The Streetscape Advisory Committee recommended on 14/09/10 that the proposal be presented to Council for consideration.

BACKGROUND

1. The Peace Pole movement began in 1954 as a non-political and non-religious organisation in Japan after World War II, with the first Peace Pole being planted there.
2. There are 200,000 Peace Poles in 180 countries around the world. Each pole proclaims the message "May Peace Prevail on Earth" in several languages. The aim of this pole in Albany is to act as a silent monument and prompt towards peace and reconciliation in the community.
3. The Albany Baha'i Community have met with Executive Director Works & Services, Kevin Ketterer, at Alison Hartman Gardens and selected the site for the pole which is not imposing or intrusive. This position has been accepted by the Streetscape Advisory Committee and is shown on the attached map.

DISCUSSION

4. A memorandum of understanding between the City and the Albany Baha'i Community, to include the reservation of the City's right to relocate the Peace Pole and the ongoing maintenance to be borne by the Baha'i Community, will occur should the construction of the pole be approved.
5. Construction of the Peace Pole and seating will be overseen by City Works staff.
6. The message on the pole will be written in a different language on each of its 6 sides. These languages will be English, Noongar, Chinese, French, Italian and Farci.

7. It is proposed that a dedication ceremony will be held by the Baha'i Community once the Peace Pole is installed. This will consist of a brief history of Peace Poles, the message on the pole will be read in all languages on the pole and there will be prayers for peace.

PUBLIC CONSULTATION.

8. At the time of writing this report, public consultation has not been concluded as in accordance with the Council Strategy – Aboriginal Accord.

Consultation, Engagement & Liaison

9. Given the constructive nature of the projects that the City's works teams facilitate, the City must be exhaustive and consistent from a consultation and liaison perspective during the planning stages of remediation works and major projects. At times, these projects may impact upon places of significance and therefore consultation, engagement and liaison with the local community is required to ensure the culture of Aboriginal people and places of historical significance are sustained.

FINANCIAL IMPLICATIONS

10. All costs will be met by the Albany Baha'i Community. This includes the whole cost of construction, maintenance, and if required, removal and relocation. There will be no cost to the City.

POLICY IMPLICATIONS

11. The City's guidelines for Art in the Public Domain have been met as the proposal is supported by the Streetscape Committee.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

12. Council may decline the proposal. If Council accept the proposal, the construction will be overseen by City staff.

SUMMARY CONCLUSION

13. In accordance with the City's guidelines for Art in the Public Domain, the introduction and promotion of this structure will assist in the integration of public art in the daily life of the Albany community. Its intention is to promote peace, harmony and unity within a world of compromising distractions.

ITEM 3.1 – RESPONSIBLE OFFICER RECOMMENDATION

That the construction of the Peace Pole and seating in the Alison Hartman Gardens by the Albany Baha'i Community be APPROVED subject to the completion of public consultation.

ITEM 3.1: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR HOLDEN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

3.2: ROYALTIES FOR REGIONS – REGIONAL FUNDING OPPORTUNITY

File Number (Name of Ward) : STR004 (All Wards)
Reporting Officer(s) : Project Coordinator (V Duncan)
Responsible Officer : Executive Director Works & Services (K Ketterer)

IN BRIEF

- Royalties for Regions, Country Local Government Fund 2010-11 is providing funds to regional groups of country local governments to promote strategic infrastructure development and asset preservation and renewal.
- The funds are only available to local governments which form a “regional group” with a neighbouring local government/s.

BACKGROUND

1. The Country Local Government Fund is one of three funds under the *Royalties for Regions Act 2009*. Country Local Government Fund monies are provided to assist local governments to pool their resources together to undertake larger scale infrastructure projects which clearly demonstrate wider community benefits across a region.
2. The City has been allocated \$532,267 for the 2010-11 round, this allocation will only be available once the City forms a regional group with a neighbouring local government. Expenditure of allocations must be on individual local government infrastructure asset renewal and/or infrastructure asset creation.
3. The Shire of Denmark have met with City executives to discuss forming a regional group to enable the City to acquire these funds. The Shire of Denmark Council have supported forming a regional group with the City.

DISCUSSION

4. The regional groups must expend the allocations on regionally significant infrastructure. The projects must be ready to proceed.
5. Expenditure of funds must be by mutual agreement of the group. Four options for shared funding arrangements were tabled at the meeting between the City and the Shire of Denmark, these are listed below. Denmark have indicated option 2 is their first preference, with option 4 as a second choice.

| | Source / Original Allocation | Allocated | Available Funds | | | | Totals over 4 Years |
|------------------|------------------------------|---------------------|-----------------|-------------|-------------|-----------|---------------------|
| Available funds | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | | |
| Shire of Denmark | \$1,044,303 | 365,506 | 522,152 | 522,152 | 1,044,303 | 2,454,112 | |
| City of Albany | \$1,520,762 | 532,267 | 760,381 | 760,381 | 1,520,762 | 3,573,791 | |
| | | 897,773 | 1,282,533 | 1,282,533 | 2,565,065 | 6,027,903 | |
| | | 35% | 50% | 50% | 100% | | |
| | | % and amt confirmed | % confirmed | % confirmed | % confirmed | | |

| | | | | | | |
|----------|---------|---------|-----------|-----------|-----------|-----------|
| Option 1 | Albany | 897,773 | 0 | 1,282,533 | 1,400,000 | 3,580,305 |
| | Denmark | 0 | 1,282,533 | 0 | 1,165,065 | 2,447,598 |
| | | 897,773 | 1,282,533 | 1,282,533 | 2,565,065 | 6,027,903 |

| | | | | | | |
|----------|---------|---------|-----------|-----------|-----------|-----------|
| Option 2 | Albany | 897,773 | 482,533 | 447,533 | 1,745,953 | 3,573,792 |
| | Denmark | 0 | 800,000 | 835,000 | 819,112 | 2,454,112 |
| | | 897,773 | 1,282,533 | 1,282,533 | 2,565,065 | 6,027,904 |

| | | | | | | |
|----------|---------|---------|-----------|-----------|-----------|-----------|
| Option 3 | Albany | 897,773 | 0 | 682,533 | 1,995,065 | 3,575,371 |
| | Denmark | 0 | 1,282,533 | 600,000 | 570,000 | 2,452,533 |
| | | 897,773 | 1,282,533 | 1,282,533 | 2,565,065 | 6,027,903 |

| | | | | | | |
|----------|---------|---------|-----------|-----------|-----------|-----------|
| Option 4 | Albany | 897,773 | 532,533 | 600,000 | 1,543,485 | 3,573,791 |
| | Denmark | 0 | 750,000 | 682,533 | 1,021,580 | 2,454,113 |
| | | 897,773 | 1,282,533 | 1,282,533 | 2,565,065 | 6,027,904 |

6. It is recommended that a memorandum of understanding be developed to establish the funding arrangements for the four year period from 2010/11 to 2013/14

FINANCIAL IMPLICATIONS

7. External funding for large infrastructure projects will increase the City's financial capacity to deliver projects within budget and enhance local economy and social well being of its residents.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

8. This item relates to all major elements of the Albany Insight – Beyond 2020 Corporate Plan.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

9. Council may decline the officer recommendation.

SUMMARY CONCLUSION

10. By forming a regional group with the Shire of Denmark in accordance with the Country Local Government Fund for the purpose of delivering regionally significant infrastructure projects the City will be able to use the funding opportunity to complete outstanding projects with a regional significance.

ITEM 3.2: RESPONSIBLE OFFICER RECOMMENDATION

1. That the formation of a regional group with the Shire of Denmark in accordance with the Royalties for Regions Country Local Government Fund for the purpose of delivering regionally significant infrastructure projects be APPROVED.
2. That Council AGREE to proceed with option 4 of the shared funding arrangements.
3. A memorandum of understanding be entered into with the Shire of Denmark to establish these arrangements.
4. THAT Council consider the completion of the Albany Peace Park to be a priority utilising the first years funding.

ITEM 3.2: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR MATLA

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

3.3: LAKE SEPPINGS DRIVE - CONDITION AND FUTURE DIRECTION

ITEM WITHDRAWN

This item was withdrawn from the agenda at the request of Councillor J Bostock. Reasons given being that the subject requires more public consultation and exploration of alternatives.

| | |
|-----------------------------------|-------------------------------------|
| File Number (Name of Ward) | : RD.PLA.1 (Breaksea Ward) |
| Land Description | : Lake Seppings Drive Road Reserve |
| Previous Reference | : (OCM, 18/11/08, 13.7.2) |
| Attachment(s) | : Summary of Responses |
| Appendices | : Proposed Minor Works Drawings |
| Consulted References | : Councillors Lounge: Internet: |
| Maps and Diagrams | : Refer to attachment. |
| Reporting Officer(s) | : Manager City Assets Peter Brown |
| Responsible Officer | : Executive Director Kevin Ketterer |

ITEM WITHDRAWN

This item was withdrawn from the agenda at the request of Councillor J Bostock. Reasons given being that the subject requires more public consultation and exploration of alternatives.

**3.4: RATIONALISATION OF LAND USES SURROUNDING THE ALBANY
WOOLSTORES (AMENDED OFFICER REPORT)**

ITEM WITHDRAWN

This item was withdrawn at the request of Council, to be referred to the next Elected Members Workshop on Tuesday 26 October for discussion.

| | |
|-----------------------------------|--|
| File Number (Name of Ward) | : PRO132 (Frederickstown Ward) |
| Land Description | : Crown lands surrounding Albany Woolstores |
| Business Entity Name | : Department of Regional Development and Lands : Rural Logistics (Mainbeam) : Grange Resources |
| Previous Reference | : OCM 18.01.00 item 15.1.1, OCM 13.06.00 item 13.5.1, OCM 19.08.08 item 13.7.2, OCM 20.01.09 item 13.8.2, OCM 18.05.10 item 15.3.4 |
| Attachment(s) | : Map Identifying Land Parcels, Map detailing pathway routes |
| Consulted References | : Albany Harbours Dual Use Path Planning Strategy Albany Trails Master Plan Woolstores to Frenchman Bay Foreshore Management Plan Munda Biddi Trail Foundation - Council item Asset Management Plan - Pathways <ul style="list-style-type: none">• Available from Manager City Projects office |
| Maps and Diagrams | : Map identifying proposed land acquisitions |
| Reporting Officer(s) | : Manager City Projects - S Pepper |
| Responsible Officer | : Executive Director Works and Services - K Ketterer |

ITEM WITHDRAWN

This item was withdrawn at the request of Council, to be referred to the next Elected Members Workshop on Tuesday 26 October for discussion.

3.5: FEASIBILITY REPORT – SOLAR PANELS ON CITY BUILDINGS**ITEM WITHDRAWN**

This item was withdrawn from the agenda by EDWS Kevin Ketterer. This was an incorrect submission and should have been a response to Mayor Milton J Evans JP in response to his request for a report on the subject. This item will not be resubmitted to council.

| | |
|-----------------------------------|--|
| File Number (Name of Ward) | : MAN 278 (All Wards) |
| Proponent | : City of Albany |
| Business Entity Name | : Great Southern Solar |
| Previous Reference | : Nil |
| Attachment(s) | : Nil |
| Appendices | : Nil |
| Consulted References | : Information from other Local Councils Quotes from Energy Management Consultants |
| Reporting Officer(s) | : Environment Officer – Climate Change (H Knewstub) |
| Responsible Officer | : Executive Director Works & Services (K Ketterer) |

ITEM WITHDRAWN

This item was withdrawn from the agenda by EDWS Kevin Ketterer. This was an incorrect submission and should have been a response to Mayor Milton J Evans JP in response to his request for a report on the subject. This item will not be resubmitted to council.

**4.1: ANNUAL REVIEW OF COUNCIL DELEGATIONS –
DEVELOPMENT APPROVALS**

| | |
|-----------------------------------|--|
| File Number (Name of Ward) | : PE.AUT.1 (All Wards) |
| Proponent | : City of Albany |
| Previous Reference | : OCM 18/03/08 – Item 14.4.2 : OCM 21/07/09 – Item 16.2.1 : OCM 17/11/09 – Item 16.1.2 |
| Appendices | : Planning Processes Guidelines : Delegations – Schedule 1 – Town Planning Scheme 1A : Delegations – Schedule 2 – Town Planning Scheme 3 |
| Reporting Officer(s) | : Executive Director Development Services (G Bride) |
| Responsible Officer | : Executive Director Development Services (G Bride) |

IN BRIEF

- Council is required to review its planning delegations every 12 months.
- It is recommended that the same delegation powers be granted by Council as per the previous year and that the Planning Processes Guidelines be amended to clarify that where applications are not consistent with Council Policy, the proposal is only referred to Council in instances where staff believe there is merit in relaxing the Policy (in all other situations the application is to be refused).

BACKGROUND

1. Once each year the delegations provided to officers are to be reviewed by Council with the ability for the delegation to be revoked, amended or renewed. The current delegations were reviewed in November 2009.
2. The delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the Planning and Development Act 2005. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.
3. Council at its meeting held on 21 July 2009 adopted the Planning Processes Guidelines which effectively guides the delegation path for development applications at the City. A copy of these guidelines is attached in the Appendices Booklet (which includes the suggested modification identified in Paragraph 8 of this report).

DISCUSSION

4. A review of the Town Planning delegations for development approvals has been conducted, and it is felt the delegations should continue, as they deliver a more efficient and effective service to the City's customers.

5. Since the previous delegations were endorsed by Council no textual changes have been made to either scheme; therefore, the same delegations as existing have been proposed.
6. The Chief Executive Officer proposes to delegate decision making to individual staff based upon their experience and capabilities. By delegating the various functions under the Local Government Act, the CEO can modify or withdraw the authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards.
7. Currently the CEO has 6 levels of sub-delegation to staff, with Level 1 extending to the Executive Director, down to level 6, for the Building Inspection Officer.
8. Mr Charles Johnson has recently reviewed the operations of the Development Services directorate and has recommended that officers should be delegated to refuse applications that are clearly inconsistent with Council's adopted planning policies. An amendment to the Planning Processes Guidelines has been proposed with the following wording:

"Where a development application does not comply with an adopted local planning policy staff shall either refuse the application, or where there is significant merit to relax the provisions of such a policy the item will be presented to Council for consideration."
9. Mr Johnson has recommended further changes to delegations once Council has finalised its review of its planning policy framework, which is expected to be formally considered by Council in December 2010.

PUBLIC CONSULTATION / ENGAGEMENT

10. Consultation processes for planning applications are defined in the Scheme and in Council's Planning Processes Guidelines.

STATUTORY IMPLICATIONS

11. Section 7.22 of the City of Albany Town Planning Scheme No. 1A and Section 6.10 of the City of Albany Town Planning Scheme No. 3 establish the mechanisms for Council to delegate decision-making. The wording in the two documents is slightly different however they both provide that Council can delegate at any time and the delegation must be reviewed annually.
12. Section 5.42 of the Local Government Act also allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Local Government Act. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.44 of the Local Government Act, to allow another person to perform the required function. This method is the most appropriate one for

Council to use, as it allows the CEO to change a delegation within 24 hours if needed, as opposed to specifying via the agenda process which can take up to six weeks to present an item to Council.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. Council has the option to amend specific delegations to the CEO as presented.

SUMMARY CONCLUSION

14. The adoption of the delegations will ensure Council is fulfilling its obligations to delegate staff on an annual basis.

ITEM: 4.1 RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- A. Pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A, and section 5.42 of the Local Government Act 1995 those functions specified in Schedule 1 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 1A be delegated to the CEO subject to the specified conditions;**
- B. Pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 and section 5.42 of the Local Government Act 1995 those functions specified in Schedule 2 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 3, be delegated to the CEO subject to the specified conditions;**
- C. The revised Planning Processes Guidelines including the amendment identified in Paragraph 8 of the officer's report be ADOPTED.**

ITEM 4.1: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR WOLFE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

4.10: WARDS AND REPRESENTATION REVIEW

| | | |
|-----------------------------------|---|--|
| File Number (Name of Ward) | : | GO.BOU.1 (All Wards) |
| Previous Reference | : | OCM 18/08/2009 Item 16.2.1 OCM 10/03/09 Item 5.1 OCM 18/04/06 Item 14.2.2 |
| Attachment(s) | : | Nil |
| Appendices | : | Nil |
| Consulted References | : | <ul style="list-style-type: none">• Local Government Act 1995 (Act)• Local Government Reform Submission Summary• Department of Local Government – Structural Reform Guidelines |
| Reporting Officer(s) | : | Executive Manager Business Governance (S Jamieson) |
| Responsible Officer | : | Chief Executive Officer – Interim (J Bonker) |

IN BRIEF

- Review wards and elected member representation

BACKGROUND

1. On 18 Aug 09, Council resolved:

“THAT Council RECEIVE the Draft City of Albany Structural Reform Report (Version 1 with the following committee recommended amendments (Pages 4 & 5)”

City of Albany (at this time) is a sustainable Local Government, which:

- *retains its current boundaries;*
 - *resolves to conduct a Ward Review with the preferred intention of introducing 4 wards with two Elected Members per ward and a popularly elected Mayor – thereby reducing its Elected Members from 12, plus a popularly elected Mayor, to 8 plus a popularly elected Mayor as of October, 2011;*
 - *works with the Shire of Katanning as a Regional Grouping;*
 - *further develops the ‘Regional Cities Alliance’ proposal with our partners for high profile projects across WA;*
 - *scopes, introduces and develops its own bespoke business unit to assist service delivery to interested Local Governments, with relevant and required technical and business skills on a fee for service basis; and*
 - *welcomes the opportunity of further discussion on Local Government Reform post this voluntary stage instigated by the Minister.*
2. On 24 Sep 10, the Department advised that if Council still wished to pursue reductions, the required documentation will need to be submitted by no later than 31 December 2010 to allow adequate time to comply with statutory requirements.

DISCUSSION

3. **Option One (1).** If Council reaffirms its previous decision to reduce the number of elected members from thirteen (13) to (9) in time for the 2011 local government elections a review of wards and representation in accordance with the Act will need to be conducted and a report to the Local Government Advisory Board (LGAB) will be required proposing that an order be made under section 2.2(1), 2.3(3) or 2.18(3).

4. **Option Two (2).** The City can propose to the Board that it deal with the reduction as a minor matter in accordance with clause 5(b) of Schedule 2.2 of the Act.

Should Council elect to progress the proposal as a minor matter, it is to resolve by absolute majority to progress the reduction as a minor matter and provide the Board with the justification as to why it considers the matter to be minor in nature.

If, after reviewing the report the Board decides that a review is required, it will refer the proposal back to the City and request that a review is conducted.

Overview of the review process

5. The review process involves a number of steps:
- Council resolves to undertake the review;
 - Council endorses options for consideration by the public;
 - Initial advertising commences;
 - Information provided to the community for discussion;
 - Public submission period opens;
 - Public submission period closes;
 - Assessment of Council options and public submissions;
 - Council briefing on assessment report;
 - Agenda item for **November** Special/Ordinary Council Meeting;
 - Council considers all options and submissions against relevant factors and makes a decision **December** Special/Ordinary Council Meeting;
 - Council submits a report to the LGAB for consideration by no later than **31 December 2010**.
 - The LGAB submits a recommendation to the Minister for Local Government (the Minister); and
 - If accepted by the Minister, the Minister will make a recommendation to the Governor for the making of the appropriate order.
6. Any changes approved by the Minister will be in place for the next ordinary election, currently scheduled for October 2011.
7. When considering changes to wards and representation the Act specifies that Council, as part of the review process, will consider the following factors:
- a. The ratio of councillors to electors in various wards;
 - b. Community of interest;
 - c. Physical and topographical features;
 - d. Demographic trends;
 - e. Economic factors;
 - f. The number of offices of councillor for each ward and the district; and
 - g. Ward names.

in order to determine the best option for Albany.

PUBLIC CONSULTATION / ENGAGEMENT

8. Between March and August 2009, public consultation was conducted in regards to local government reform which influenced Councils decision to the number of elected representatives from 12, plus a popularly elected Mayor, to 8 plus a popularly elected Mayor as of October, 2011.

9. It is recommended that as part of the review process that a community consultation plan is prepared to achieve the following objectives:
- meet the City of Albany's legislative public notice and submission obligations under Schedule 2.2 of the *Local Government Act 1995*.
 - provide an appropriate level of written information and documentation to the public.
 - provide the community with meeting forum opportunities to discuss, ask questions, contribute to, and be provided with information regarding the review.
 - provide the public with a clear avenue for making formal submission to Council regarding the review of boundaries and representation.
 - The community consultation plan will include key areas such as advertising, direct mailing, a community discussion paper, public forum sessions, and a public submission process.

STATUTORY IMPLICATIONS

10. The process for reducing councillor numbers is set out in Schedule 2.2 of the *Local Government Act 1995*.

11. *Local Government Act 1995*:

s2.2. Districts may be divided into wards. (1) *The Governor, on the recommendation of the Minister, may make an order —*

- (a) *dividing a district into wards;*
- (b) *creating new wards in a district that is already divided into wards;*
- (c) *changing the boundaries of a ward;*
- (d) *abolishing any or all of the wards into which a district is divided; or*
- (e) *as to a combination of any of those matters.*

s2.3. Names of districts and wards. (3) *If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly.*

s2.18. Fixing and changing the number of councillors. (3) *The Governor, on the recommendation of the Minister, may make an order —*

- (a) *changing the number of offices of councillor on a council;*
- (b) *specifying or changing the number of offices of councillor for a ward; or*
- (c) *as to a combination of those matters.*

12. Schedule 2.2:

Clause 5. Local government may propose ward changes or make minor

Proposals. *A local government may, whether or not it has received a submission —*

(a) *carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made;*

(b) *propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —*

(i) *one of a minor nature; and*

(ii) *not one about which public submissions need be invited;*

or

(c) *propose* to the Minister the making of an order changing the name of the district or a ward.*

** Absolute majority required.*

FINANCIAL IMPLICATIONS

13. The financial implications of administering the review process is minimal as it will be accommodated from within existing budgeted funds, and existing staff resources.

COMMENT

14. The reduction of four (4) elected members can be achieved by either dispensing with the Wards altogether or reducing the present six (6) Wards to four (4).
15. The reduction in Wards would be more economical, both from the cost to the City of holding a by-election, and the campaign cost to candidates standing for election. A local authority as large and diverse as Albany would also risk losing representation from its more outlying and less populous communities if wards were abolished.
16. As the next Mayoral election is scheduled for October 2011, it is considered appropriate to conduct a ward review now to ensure that next Mayoral term is not interrupted by a statutory review requirement in 2013.

RECOMMENDATION

ITEM 4.10 – RESPONSIBLE OFFICERS RECOMMENDATION

Council reaffirm its previous decision to reduce its Elected Members from twelve (12), plus a popularly elected Mayor, to eight (8) plus a popularly elected Mayor and authorise the administration to commence the process of reducing the existing six (6) Wards to four (4) with the objective of the reduction taking effect from the October 2011 elections.

ITEM 4.10: MOTION 1

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON**

THAT Standing Order Clause 5.7-Order of Call in Debate be SUSPENDED to allow discussion.

CARRIED 11-0

ITEM 4.10: MOTION 2

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR SUTTON**

THAT Standing Order Clause 5.7- Order of Call in Debate be RESUMED.

CARRIED 11-0

ITEM 4.10: ALTERNATE MOTION BY COUNCILLOR WELLINGTON

The previous decision to reduce the number of elected members from twelve (12), plus a popularly elected Mayor, to eight (8) plus a popularly elected Mayor be **REAFFIRMED** and the administration be **AUTHORISED** to commence the process of conducting a Ward and elected member review to ascertain the cause and effect of the following scenarios:

- A. **REDUCE** the existing six (6) wards to four (4) with two (2) elected representatives for each ward and a directly elected Mayor; with the objective of the reduction taking effect from the October 2011 elections,

ITEM 4.10: RESOLUTION (Alternate Motion by Councillor Wellington)

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR MATLA

THAT the Alternate Motion by Councillor Wellington be ADOPTED.

CARRIED 8-3

Against the Motion: Councillors Dufty, Leavesley and Swann

Councillor's Reason:

It is acknowledged that the Minister for Local Government has made a number of Key recommendations, in particular to initiate amendments to legislation to change the prescribed number of elected members to between six and nine.

The proposal recommended by this alternate motion satisfies the Minister's intent to reduce elected member prescribed numbers by exploring three possible scenarios to find the most appropriate model for Albany.

4.11: AUDIT COMMITTEE MEETING MINUTES 7 OCTOBER 2010

File Number (Name of Ward) : FM.MEE.1 (All Wards)
Attachments : Minutes of Audit Committee Meeting held 7/10/2010
Reporting Officer(s) : EM Business Governance (S Jamieson)
Responsible Officer : Chief Executive Officer-Interim (J Bonker)

ITEM 4.11: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MATLA

The unconfirmed minutes of the Audit Committee meeting held on Thursday 7 October 2010 be RECEIVED.

CARRIED 10-1

Against the Motion: Councillor D Bostock

ITEM 4.11: COMMITTEE RECOMMENDATION 2

The CEO prepare a report to Council detailing the course of action to be taken to reduce the current leave holding of the ED Corporate & Community Services.

ITEM 4.11: RESOLUTION (Committee Recommendation 2)

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA

THAT Committee Recommendation 2 be ADOPTED.

CARRIED 10-1

Against the Motion: Councillor D Bostock.

**4.2: ALBANY TOURISM MARKETING ADVISORY COMMITTEE MEETING
MINUTES**

File Number (Name of Ward) : ED.MEE.2 (All Wards)
Proponent : City of Albany
Appendices : Minutes of ATMAC meeting held on 8 September 2010
Reporting Officer(s) : Events and Tourism Officer (C Young)
Responsible Officer : Executive Director Corporate & Community Services
(P Madigan)

Councillor Hammond declared an impartiality interest in this item.

ITEM 4.2: – COMMITTEE RECOMMENDATION

THAT the CONFIRMED minutes of the Albany Tourism Marketing Advisory Committee (ATMAC) Meeting held on Wednesday 8th September be RECEIVED.

ITEM 4.2: RESOLUTION (Committee Recommendation)

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR DUFTY**

THAT the Committee Recommendation be ADOPTED.

CARRIED 11-0

Councillor Hammond remained in the chamber and participated in the discussion and vote.

4.3: STREETScape ADVISORY COMMITTEE MEETING MINUTES

File Number (Name of Ward) : RD.MEE.2 (All Wards)
Proponent : City of Albany
Appendices : Minutes of Streetscape Advisory Committee meeting held on 24 May 2010, 27 July 2010 & 14 September 2010
Reporting Officer(s) : Executive Director Works & Services (K Ketterer)
Responsible Officer : Executive Director Corporate & Community Services (K Ketterer)

ITEM 4.3: RESOLUTION

MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR DUFTY

THAT committee recommendations 1 and 2 be carried en bloc.

CARRIED 11-0

ITEM 4.3: COMMITTEE RECOMMENDATION 1

THAT the CONFIRMED minutes of the Streetscape Advisory Committee Meeting held on Monday 24th May be RECEIVED.

CARRIED EN BLOC

ITEM 4.3: COMMITTEE RECOMMENDATION 2

THAT the CONFIRMED minutes of the Streetscape Advisory Committee Meeting held on Tuesday 27th July be RECEIVED.

CARRIED EN BLOC

[8:42:48 PM](#) Councillor Leavesley left the Chamber.

[8:44:43 PM](#) Councillor Leavesley returned to the Chamber.

ITEM 4.3: COMMITTEE RECOMMENDATION 3

MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR DUFTY

THAT the UNCONFIRMED minutes of the Streetscape Advisory Committee Meeting held on Tuesday 14th September be RECEIVED.

CARRIED 10-1

Against the Motion: Councillor D Bostock.

Deputy Mayor Wellington called for nominations to the committee. Councillor Holden nominated Councillor Dufty. No other nominations were received.

ITEM 4.3: – MOTION BY MAYOR EVANS

Council appoint additional elected members to the Streetscape Advisory Committee:

ITEM: 4.3: RESOLUTION (Motion by Mayor Evans)

MOVED: DEPUTY MAYOR WELLINGTON

THAT Councillor Dufty be appointed to the Streetscape Advisory Committee.

**CARRIED BY SHOW OF HANDS 11-0
ABSOLUTE MAJORITY**

4.4: BUSHCARERS ADVISORY COMMITTEE MEETING – 25 AUGUST 2010

File Number (Name of Ward) : MAN 235 (All Wards)
Proponent : City of Albany
Appendices : Minutes of the Bushcarers Advisory Committee meeting held on 25th August 2010
Reporting Officer(s) : Reserves (Bush & Coastal) Officer (S Maciejewski)
Responsible Officer : Manager City Assets (P Brown)

ITEM 4.4: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR SWANN

THAT the UNCONFIRMED minutes of the Bushcarers Advisory Committee meeting held on Wednesday 25th August 2010, be RECEIVED.

CARRIED 10-1

Against the Motion: Councillor D Bostock

4.5:ELECTED MEMBERS INFORMATION BULLETIN-OCTOBER/2010

File Number or Name of Ward : All Wards
Disclosure of Interest : Nil
Reporting Officer(s) : Assistant Business Governance Officer (J
Williamson)
Responsible Officer(s) : Chief Executive Officer (J Bonker)

IN BRIEF

- Receive the contents of the Elected Members Information Bulletin

ITEM 4.5: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON

THAT the Elected Members Information Bulletin October/2010 be RECEIVED.

CARRIED 11-0

4.6: ELECTED MEMBERS MEDIATION - REPORT

| | |
|-----------------------------------|--|
| File Number (Name of Ward) | : ES.MEE.3 & ES.MEE.4 (All Wards) |
| Previous Reference | : SCM 25/05/10 Item 6.1 OCM 06/05/10 Item 6.2 OCM 20/04/10 Item 16.4.1 |
| Attachment(s) | : Mediation Report (distributed under Confidential Cover) |
| Appendices | : Nil |
| Consulted References | : Local Government Act 1995 (Act) |
| Reporting Officer(s) | : Executive Manager Business Governance (S Jamieson) |
| Responsible Officer | : Chief Executive Officer – Interim (J Bonker) |

IN BRIEF

- Mediation Report from Castledine Legal and Mediation Services has been received.
- Council to consider whether it wishes to continue or what other actions should be taken to conclude the process.

BACKGROUND

1. On 01 Oct 10, the City of Albany received the Independent Mediators Report under confidential cover.
2. The report (distributed under confidential cover) suggests two possible options to be considered by participants involved in the mediation process and additional recommendations.
3. The Minister was advised on the 28 Sep 10 that the appointed mediator's report would be considered by Council at this meeting.

DISCUSSION

4. Castledine Legal and Mediation Services requests whether Council wishes to continue with any further mediation, and if so, whether the participants agree to the recommended ground rules applying to the future process.

STATUTORY IMPLICATIONS

5. In accordance with Ministers directive issued under Part 8; Division 1 of the Local Government Act 1995: *Scrutiny of the affairs of local governments* a report detailing the actions and outcomes in relation to enquires by the independent mediator is to be forwarded to the Minister.

RECOMMENDATION

ITEM 4.6: RESPONSIBLE OFFICER RECOMMENDATION

1. The suggestion to engage in further mediation be **DECLINED**.
2. Castledine Legal and Mediation Services be requested to prepare a statement of processes, protocols and 'rules of engagement' for future interactions (as referred to in his report) with a view to having this incorporated in Council's Code of Conduct.

ITEM 4.6: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MATLA**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

(Note: This item was discussed behind closed doors at the end of the meeting. Refer Item XVIII.)

4.7: PROPOSED FRIENDSHIP AGREEMENT WITH CITY ASSEMBLY OF NICHINAN (JAPAN)

| | |
|-----------------------------------|--|
| File Number (Name of Ward) | : ED.INR.2 (All Wards) |
| Disclosure of Interest | : Nil |
| Previous Reference | : OCM 21/10/08 Item 12.8.2 |
| Attachment(s) | : Nil |
| Appendices | : Nil |
| | Council Civic Affiliations Policy |
| Reporting Officer | : Executive Manager Business Governance (S Jamieson) |
| Responsible Officer | : Chief Executive Officer (J Bonker) |

IN BRIEF

- Acknowledge the continuance of the current “*Synergetic Agreement*”; and
- Enter into an additional friendship agreement with the City Assembly of Nichinan (Japan) in recognition of the 10th Anniversary of the Signing of the *Synergetic Agreement* and to strengthen relations between the two municipalities.

BACKGROUND

1. The policy currently endorses the following affiliations:
 - Nichinan (Japan) - A ‘*Synergetic Agreement*’ based on the export of blue gum plantation woodchips was signed in 1998 with a reciprocal visit to Nichinan in 2000. The City of Albany, Albany Port Authority and Albany Chamber of Commerce and Industry are joint signatories to this agreement.
 - Tomioka (Japan) – A ‘*Friendship Agreement*’ based on a strong and continuing school student exchange program was signed in Albany on 1 February 2001 with a reciprocal visit by the Mayor, Deputy Mayor and CEO in 2004.
 - Gallipoli (Turkey) – A ‘*Friendship Agreement*’ based on Albany’s Anzac military heritage was signed in Albany on 25 April 2003 and reciprocated in Gallipoli on 25 April 2005.
 - Peronne (France) – A ‘*Friendship Agreement*’ based on Albany’s ANZAC military heritage was signed in Peronne on 01 November 2008.
2. The City of Albany and Nichinan historically have worked towards building cultural, academic and economic links since 2000.
3. This affiliation has been supported by the Albany Port Authority, the Great Southern Grammar School exchange programme and through the provision of Civic Receptions by the City of Albany to visiting school children and officials.
4. In recent discussions and correspondence between the Mayor of Nichinan City, Mayor Yoshiyuki Taniguchi and the Mayor of the City of Albany, Milton Evans; the Mayor of Nichinan has expressed his interest in deepening the relationship between the two cities to mark the 10th year anniversary of the ‘*Synergetic Agreement*’.

5. The Mayor of Nichinan City has requested the Albany City Council to consider entering into a direct friendship agreement between the two municipalities, similar to the Tomioka (Japan) *'Friendship Agreement'*.
6. If the Council supported this agreement then all *'Agreements'* would be consistent with the term *'Friendship'* thereby reducing the risk of offending parties that may see their agreement as being of a lower status to others.

DISCUSSION

7. In 2008 the Civic Affiliations Policy was amended to cap the number of civic affiliations to four and incorporate a review of each affiliation every two years to assess the degree of activity, cost to Council and association benefits for the City of Albany. At the time of writing this report a formal review has not been undertaken.
8. Approximately 1,197,443 Tonnes of wood chips were exported directly from the Albany Port to the Port of Nichinan in 2010.
9. A strong school program has been established and continues to grow providing social and community benefits to Albany.

PUBLIC CONSULTATION/ENGAGEMENT

10. Discussions have been held with the Albany Port Authority and the Great Southern Grammar regarding the merits of this proposal. Both organisations support the proposal.
11. The original *'Synergetic Agreement'* will continue to be recognised as it incorporates the Albany Port, Albany Chamber of Commerce and the City of Albany.
12. The current Synergetic Agreement is essentially a signatory between the two ports with Chambers of Commerce and municipalities acting as supporting signatories.
13. The Synergetic Agreement will continue in its current form; however will be complimented by the proposed *'Friendship Agreement'* made directly between the Nichinan City Assembly and the Albany City Council.

FINANCIAL IMPACT

14. In accordance with current policy visiting officials of affiliated cities will be afforded reciprocal hospitality including accommodation, civic events and receptions and district tours and visit.
15. Funding will be met from the current budget allocated under account: 141770, being: \$10, 000.

GOVERNMENT CONSULTATION

16. Albany Port Authority, Chief Executive Officer supports the proposal following a recent visit to Nichinan in September 2010.

STATUTORY IMPLICATIONS

17. Nil

LEGISLATIVE AND STRATEGIC CONTEXT

18. This policy directly relates to the Albany Insight Strategic Plan, which states: Our cultural and artistic communities are valued, celebrated and supported.

POLICY IMPLICATIONS

19. The *Civic Affiliations Policy* was reviewed by Council in 2008 and the next schedule review is to be conducted in the 2010 financial year.

ALTERNATE OPTIONS

20. Council has the following options in relation to this item, which are:
- Accept the recommendation and amend the current policy to accommodate the proposed friendship agreement; or
 - Not accept the proposal and maintain the Synergetic Agreement as a supporting signatory (*which may be regarded as culturally offensive to the City Assembly of Nichinan (Japan)*).

DRAFT FRIENDSHIP AGREEMENT

"We, the undersigned representatives of the City Assembly of Nichinan in Japan and the City of Albany in Western Australia, declare our mutual will to establish a Friendship Agreement between our two municipalities, with the aim of creating bonds and gaining a wider understanding of our respective municipalities, citizens, community life and traditions.

In support of these ideals, the City Assembly of Nichinan and the City of Albany agree to promote their similar aims and objectives, with the primary relationship to be based on people to people contact, and therefore the respective elected authorities are charged with the responsibility of encouraging the development of greater understanding and the exchange of knowledge and experience in many fields by individuals and groups throughout their municipalities.

By emphasising mutual interests and fostering individual consciousness, the City Assembly of Nichinan and the City of Albany will strive to promote close and friendly relations between the citizens of their two communities."

RECOMMENDATION

ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- A. CONTINUE to recognise the current Tripartite Synergetic Agreement between the Albany Port Authority and the Aburatsu Port Authority. (Supported by The Albany Chamber of Commerce and Industry, the City of Albany, the Nichinan Chamber of Commerce, and the City Assembly of Nichinan);**
- B. ENTER into a Direct Friendship Agreement with the City Assembly of Nichinan.**
- C. AMEND the Civic Affiliations Policy accordingly.**
- D. AUTHORISE the Chief Executive Officer to determine the wording of the Draft Friendship Agreement in negotiation with the City Assembly of Nichinan, based on the Draft Friendship Agreement (detailed in the report).**

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR LEAVESLEY

THAT the Responsible Officer Recommendation be ADOPTED.

LOST 4-7

For the Motion: Councillors Wolfe, Swann, Leavesley and Wellington

4.8: ALBANY ENTERTAINMENT CENTRE (AEC) COMMITTEE MEETING MINUTES

| | |
|------------------------------------|--|
| File Number or Name of Ward | : ED.PJT.1 & ED.PJT.4 (Frederickstown Ward) |
| Summary of Key Points | : Committee Items for Council Consideration |
| Disclosure of Interest | : Nil |
| Previous Reference | : N/A |
| Attachment(s) | : Committee Meeting Minutes – 31 August 2010 Terms of Reference AEC Operation Advisory Committee Committee Meeting Minutes – 16 September 2010 |
| Reporting Officer(s) | : Executive Director Corporate and Community Services (P Madigan) |
| Responsible Officer(s) | : Executive Director Corporate and Community Services (P Madigan) |

ITEM 4.8: RESOLUTION

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON

THAT committee recommendations 1 and 2 be carried en bloc.

CARRIED 10-1

Against the Motion: Councillor D Bostock

ITEM 4.8: COMMITTEE RECOMMENDATION 1

THAT the CONFIRMED minutes of the Albany Entertainment Centre Committee meeting held on 31 August 2010 be received.

CARRIED EN BLOC

ITEM 4.8: COMMITTEE RECOMMENDATION 2

THAT the UNCONFIRMED minutes of the Albany Entertainment Centre Committee meeting held on 16 September 2010 be received.

CARRIED EN BLOC

ITEM 4.8: COMMITTEE RECOMMENDATION 3

THAT no bookings are taken for the performing arts space in the Town Hall after 31/12/2010.

[9:06:07 PM](#) **Councillor Swann left the Chamber.**

ITEM 4.8: ALTERNATE MOTION BY COUNCILLOR HOLDEN

All bookings for the performing arts space in the Town Hall be approved by the Albany Entertainment Centre (AEC) Management Body after 31 December 2010 with no reasonable requests being refused.

ITEM 4.8: RESOLUTION (Alternate Motion by Councillor Holden)

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR LEAVESLEY

THAT the Alternate Motion by Councillor Holden be ADOPTED.

CARRIED 7-3

Against the Motion: Councillors Sutton, Hammond and D Bostock.

Reason:

The current recommendation misrepresents the intent of what was requested by Rodney Phillips and should be amended accordingly.

Bookings to use the Town Hall will be made through the Albany Entertainment Centre, not the Town Hall direct, to ensure that the AEC Management Board will have the opportunity to review performance requests to use the Town Hall and ensure those activities do not complete with the AEC for business.

Officer's Comment:

Mayor Evans & Councillor Holden are the City's representatives on the Albany Entertainment Centre Committee.

Item 7.6 of the AEC minutes dated 16 Sep 10, states:

***"7.6 Town Hall Operations.** Milton Evans acknowledged that in order for the AEC to be successful that it was important that the Town Hall did not compete for business and asked what was expected of the City in relation to the taking of bookings for the Town Hall. Rodney Phillips suggested that any requests for use of the performing arts space after the 31/12/2010 be referred to the AEC Management Body.*

ACTION 8: Mayor Evans to ensure that no bookings are taken for the performing arts space in the Town Hall after the 31/12/2010."

The previous recommendation being: "THAT no bookings are taken for the performing arts space in the Town Hall after 31/12/2010", was drafted in accordance with the Action 8 assigned to the Mayor.

It is recommended that at the next meeting of the AEC Committee meeting that committee is advised of the resolution of Council in regards to action item 8.

4.9: CEO RECRUITMENT COMMITTEE MINUTES 4/10/2010

| | |
|------------------------------------|---|
| File Number or Name of Ward | : PER 040 |
| Summary of Key Points | : Responsible Officer Recommendations |
| Appendices | : Committee Meeting Minutes – 4 October 2010 and 11 October 2010 |
| Reporting Officer(s) | : Chief Executive Officer (J Bonker) |
| Responsible Officer(s) | : Chief Executive Officer (J Bonker) |

[9:09:44 PM](#) Councillor Swann returned to the Chamber.

ITEM 4.9: RESOLUTION

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR DUFTY**

THAT the Committee Recommendation and the Responsible Officer Recommendation be carried en bloc.

CARRIED 10-1

Against the Motion: Councillor D Bostock.

ITEM 4.9: COMMITTEE RECOMMENDATION

1. The minutes of the CEO Recruitment Committee meeting held on 4 October 2010 be RECEIVED.
2. The unconfirmed minutes of the CEO Recruitment Committee meeting held on 11 October 2010 be RECEIVED.

CARRIED EN BLOC

ITEM 4.9: RESPONSIBLE OFFICER RECOMMENDATION

1. Subject to any changes subsequently made by the Committee or recommended by the consultant, the proposed role, qualification requirements, employment conditions, selection and appointment process, as discussed and contained in the minutes of the Committee meeting of 4 October 2010, be ENDORSED.
2. That the CEO position also be advertised in the Australian Local Government Job Directory and the SEEK website.
3. Mrs Anne Lake be appointed as consultant to assist in the CEO recruitment process, based on the fees and charges set out in her submission to Council dated 3 May 2010.

CARRIED EN BLOC

XIV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

Nil.

XV. URGENT BUSINESS APPROVED BY DECISION OF THE MEETING

Nil.

XVI. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.

Nil.

XVII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.

NOTICE OF MOTION BY COUNCILLOR R HAMMOND

17.1: ALBANY HEART SAFE PROJECT

DATE & TIME RECEIVED: 05/10/10

ITEM 17.1: MOTION 1

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR SUTTON

That in accordance with Standing Order 3.11(4)(b) Council dispense with the notice requirements of Standing Order 3.11(1) in order to consider the Notice of Motion submitted by Cr Hammond relating to the Council's endorsement of the proposed Albany City Heart Safe Project.

**CARRIED 11-0
ABSOLUTE MAJORITY**

Councillor's Reason: This project serves the common good.

ITEM 17.1: MOTION 2

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR SUTTON

The City of Albany endorse the proposed Albany City Heart Safe Project and agree to act as the custodian of donations received by establishing a trust fund for this project, and the CEO be authorised to administer the disbursements of the fund.

**CARRIED 11-0
ABSOLUTE MAJORITY**

In accordance with Section 5.23(2)(b) of the Act, the personal affairs of any person; 5.23 (2) (c), a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting; the following items will be dealt with while the meeting is closed to members of the public.

The Deputy Mayor requested that staff and members of the public vacate the chamber so that Council could meet behind closed doors to discuss Item 4.6

XVIII. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

4.6 Elected Members Mediation-Report

ITEM 19: RESOLUTION

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA**

THAT Standing Order 3.1 - Recording of Proceedings, to stop recording of proceedings be RESUMED.

CARRIED 11-0

ITEM 18: RESOLUTION 1

**MOVED: COUNCILLOR SWANN
SECONDED: COUNCILLOR HAMMOND**

THAT Standing Order 5.7-Order of Debate-be SUSPENDED to allow discussion.

CARRIED 9-2

Against the Motion: Councillors Matla and Sutton.

ITEM 18: RESOLUTION 2

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR SUTTON**

THAT Standing Order 5.7-Order of Debate-be RESUMED.

CARRIED 11-0

ITEM 4.6: RESPONSIBLE OFFICER RECOMMENDATION

1. The suggestion to engage in further mediation be **DECLINED**.
2. Castledine Legal and Mediation Services be requested to prepare a statement of processes, protocols and 'rules of engagement' for future interactions (as referred to in his report) with a view to having this incorporated in Council's Code of Conduct.

ITEM 4.6: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MATLA**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

ITEM 18: RESOLUTION 3

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLDEN

THAT the public be readmitted to the meeting.

CARRIED 11-0

No members of the public, media or staff returned to the chamber.

XIX. NEXT ORDINARY MEETING DATE

Tuesday 16th November 2010, 7.00pm

XX. CLOSURE OF MEETING

There being no further business, the Deputy Mayor declared the meeting closed at 10.17PM.

Confirmed as a true and accurate record of proceedings.

(Unconfirmed Minutes)

Deputy Mayor Dennis Wellington

**STATUS REPORT ON DEFERRED ITEMS
FROM PREVIOUS MEETINGS**

| Meeting Date | Item Number | Details/Status |
|---------------------|--------------------|--|
| 18/05/2010 | 15.3.4 | Dedication of Unallocated Crown Land as a Reserve-Portion of Princess Royal Drive Foreshore. TO BE PRESENTED FOR DISCUSSION AT ELECTED MEMBERS WORKSHOP 26 OCTOBER 2010. |
| 15/06/2010 | 13.2.3 | Final Approval of Scheme Amendment-Pt Lot 1 and 2 Frenchman Bay Road, Frenchman Bay. TO BE PRESENTED AT NOVEMBER 2010 OCM. |
| 15/06/2010 | 15.2.3 | Lot 5 Rufus Street-Compensation for Subdivision Design Changes. WAITING ON RESPONSE FROM LGIS. PENDING. |
| 21/09/2010 | 2.4 | Cull Road Subdivision-Sale and Marketing. TO BE PRESENTED AT ELECTED MEMBERS WORKSHOP ON 26 OCTOBER 2010. |
| 19/10/2010 | 2.5 | Albany Public Library-University of Western Australia Agreement. LAI D ON THE TABLE TO ALLOW FURTHER NEGOTIATION WITH UWA. |

APPENDIX B

TABLED DOCUMENTS

| Document Tabled By | Subject | Ref. |
|---------------------------|---|--------------------|
| Mrs K Wals | Item 2.7-Cheyne Beach Holiday Accommodation-Reserve 878 | GO.COM.3/AM1023101 |
| Mr David Clarke | Enterprise Bargaining Agreement | GO.COM.3/AM1023093 |
| Mr Tony Stanton | ALAC Cafe and Gym | GO.COM.3/AM1023091 |
| Prof. Jane Long | Item 2.5-Albany Public Library-UWA Agreement | GO.COM.3/AM1023090 |
| Mr Tony Harrison | Copy of Letter Mr Harrison sent to the Governor General, Ms Quentin Bryce re: Dredging of Harbour | GO.COM.3/AM1023089 |

ELECTED MEMBER TABLED DOCUMENTS

| Document Tabled By | Subject | Ref. |
|---------------------------|---|--------------------|
| Councillor J Bostock | Item 3-Announcement by Mayor and Councillors without discussion | GO.COM.3/AM1023165 |

STAFF TABLED DOCUMENTS

| Document Tabled By | Subject | Ref. |
|---------------------------|----------------|-------------|
| | Nil | |

Tabled Address from Mr & Mrs C&K Wals

City of Albany
107 North Road
Yakamia
Albany, WA 6330

Lot 2 Baxteri Road
Cheyne Beach
WA 6328

RE: NEW LEASES – CHEYNE BEACH HOLIDAY ACCOMMODATION – RESERVE 878

Dear Sir/Madam

With relation to the above proposal that has combined interest with Landcorp and the City of Albany:

- The 115 hectare Reserve is surrounded by approximately 3,500 hectares of National Park

The Nature Reserve surrounding Cheyne Beach includes species that are endangered and are only inhibited in this area are: Honey Possums, other species that inhabit this area that are protected are: bandicoots, the Noisy Scrub Bird and The Ground Parrot, a heaven for all persons taking part in protecting and studying our flora and fauna.

I would like now to move onto more points of the planned proposal in hand:

Regarding the current proposal between Landcorp and the City of Albany:
Please consider the following in your decisions of the new development at Cheyne Beach Reserve 878.

We would like to see the same contract agreements apply to the new freehold developers as is the current leaseholders contract to date. If the development progresses, current leaseholders to have first choice in remaining in current leased premises, with either the option to renew their current lease or obtaining the land as freehold.

No double storey or split level housing, no domestic animals (cats, dogs, birds) new development housing to blend in with natural surroundings, only minimum area to be cleared of existing vegetation and no boundary fencing.

I would also like to ask the following:

1. if the number of holiday accommodation is to be raised to 100 will there be a part or fulltime resident ranger to control this area?
2. Will the signage in the area be upgraded?
3. Will the boat ramp be upgraded or at least signposted?

These issues are already a problem and with the rising amount of accommodation within the future these items also need to be addressed.

Thank you for your time.

Regards,



Mr & Mrs C & K Wals

Tabled Address from Mr D Clark

My name is David Clark
I live at 760 Chester pass Rd.

I am a ratepayer and voter in the City of Albany.

As the Council is aware, the City and its employees have been in negotiations for new Collective Agreements since April of this year.

It was reported to the Audit Committee by Kevin Ketterer in the agenda attachment headed Audit Committee Minutes EBA Settlement that negotiations are close to finalisation.

As the Council's depot workers were forced to commence protected industrial action on 30th September because the City's negotiators refuse to move their position on the pay claim, this statement is clearly inaccurate and misleading.

The employee negotiation teams have amended their pay claim several times during negotiations to try to find common ground.

Our claim is for 4.6%, 12% and 6%.

Each time the City's negotiators have rejected these claims, refusing to move from their original pay offer of 1.6%, 4% and 4%.

With an increase this year in electricity of 17.5% on the top of 26% last year, water increases of 17.7% on top of 9% last year, gas prices up by 55% since 2007 and Council rates up by 9% this year, it is increasingly difficult to make ends meet.

I also note in the same Audit Committee Minutes an item headed Rationalising or Outsourcing of City Services.

It states that the Executive presented an overview of Council services that may be considered to be outsourced and lists:

the ALAC Café and Gym,

the Day Care Centre,

the Visitors Centre,

the Town Hall,

the privatisation of the Tip.

the Vancouver Arts Centre,

Information Technology Services, and

Regulatory functions including building, rates collection, health and planning services.

The minutes' further state that the Audit Committee decided the first 6 should be reviewed for possible outsourcing as a matter of priority.

Casual staff at the ALAC café were recently told they would need to take a \$3 an hour pay cut so that the café could remain open.

The City appears to have no problem reducing the pay of already low paid workers whilst at the same time giving some of its highest paid workers a \$35,000 pay rise.

It would seem that the City wants its lowest paid employees to pay for this and other excesses, like the \$50,000 surplus in the budget being used for the cost of recruiting a new CEO, or the proposed \$40,000 to assess options for the management of the landfill sites

As a ratepayer and voter I would like to hear comment from each Councillor about why they think this is a fair offer as the City's negotiators continually say they are only acting on the Council's mandate.

Is it the Council's intention to cut costs at the expense of the worker's of the City in order to fix the City's debt problems because of bad investments such as Lehman Brothers and the Cull Rd development and \$35,000 pay rises for Executive Directors? How many of us can expect to lose our jobs as a result of this planned outsourcing? If Council is serious about cost cutting councillors will accept the recommendation for a ward boundary review to reduce Councillors from 12 to 8.

As a ratepayer and voter I would like to hear the response of all the Councillors.

I would like these question to be tabled

Tabled Address from Mr Tony Stanton

Address to Council 19th October 2010
ALAC Café & Gym

Mr Mayor, Councillors,
Tony Stanton, Little Grove
I refer to Agenda Attachment 4.11 of the Audit Committee & particularly to 5.2.3
Rationalising or Outsourcing of City Services.

When I was in Commerce & the question of Company cut backs were raised, the Accountants were usually the first to suggest that the tea break biscuits & the issue of pencils & ball point pens could go.

I would hope that Council's Audit Committee will not consider putting ALAC's Café & Gym in this category as they are part of the total essential marketing of the City's biggest sporting complex.

Since ALAC's original upgrade was passed by Council in 2003 there has been a continual undercurrent of opposition to the City managing the Café & more particularly the Gym.

In December 2006 the Gym was deleted, by Council, from the Builder's plans but, after public outcry, it was re-included in January 2007 at an unnecessary re-instatement cost of tens of thousands of dollars. When it was under construction, public claims were made that it did not meet the National Competition Policy. This resulted in the engagement of a Consultant, at more thousands of dollars, who easily proved that it did meet NCP. Did the Audit Committee allow this to happen because they were unaware of the simple criteria that its revenue was under \$200,000? I would have thought that the then Audit Committee would not have wasted this money.

Since it opened in 2008, the Café has become a source of ongoing attempts to lease it out. This has led to unnecessary stress to staff & I understand that staff is again under duress to accept a wage reduction with no guarantee of no lease out. I have addressed Council before on these matters but they regularly continue to appear on Council Agenda's.

I ask the Audit Committee, which currently consists of prominent Albany businessmen, "Would you spend \$750,000 on building & equipping a café & then lease it out for \$10,000 pa? What return on a capital outlay of \$M1, the approx cost of the gym building only, would you expect? Will you be able to get your figure? Would you expect to have the Café & Gym returned at the end of their lease in a properly maintained condition? Or would you expect to be handed back a couple of rattling shells that will require major expenditure for you to return them to first class condition so you can re-lease them?"

ALAC is the City's biggest asset & a major part of the CoA "Brand Image". It needs to be expanded & promoted to attract more people, not pulled apart. Perhaps consideration could be given to raising more revenue, as per OCM Minutes of June 2003 when it was resolved that Stage 5 of ALAC's reconstruction should include a hydrotherapy pool.

Tabled Address from Ms J Flottman



THE UNIVERSITY OF
WESTERN AUSTRALIA

OFFICE OF THE PRO VICE-CHANCELLOR
(EDUCATION)

PRO VICE-CHANCELLOR (EDUCATION)

Winthrop Professor Jane Long
MA PhD W.Aust., FRHistS

Our ref: F7102

19 October 2010

His Worship the Mayor and Councillors
City of Albany
PO Box 484
ALBANY WA 6331

Dear Mayor and Councillors

**Re: The Albany Public Library and University of Western Australia Agreement.
Council Agenda Item 2.5 (19/10/10)**

Further to our attendance and discussion at the pre-Council briefing meeting on October 12, 2010, The University of Western Australia is grateful for the opportunity to reiterate its position in response to the abovementioned agenda item.

The University has a strong commitment both to the community of Albany and to higher education in the Great Southern. It has enjoyed a most cordial and beneficial partnership with the City of Albany since 2001 when the parties signed a Memorandum of Understanding (MOU) relating to the University's activities in Albany. In keeping with that MOU, the Albany Public Library has played a significant role in the context of the University's activities in Albany. This partnership has brought mutual benefits to the University, the City and the community.

It was in recognition of this fruitful partnership that the University of Western Australia contributed \$700,000 to the Albany Public Library extension project, after successfully applying for grant funding from the Federal government. We were delighted to make this contribution, having earlier determined that the Albany Public Library extension should be the focus of UWA's grant application, rather than any alternative plan to create independent library infrastructure for UWA students only.

It is against this backdrop that UWA's concerns in respect of the agenda item can be summarised:

1. We acknowledge that the renegotiation of the Library service agreement has some history. While UWA and the City differ in their estimates of appropriate contribution to cover library services provided by the City to Albany Centre students, UWA has continued throughout to seek negotiations with the City concerning this matter. The length of time taken reflects some areas of disagreement over the correct basis for costings, within an operational context that differs considerably from that prevailing at the time of the initial UWA/Albany Public Library agreement in 2002. The changes in the size and scope of delivery since 2002 saw the University Librarian come to Albany to review the situation in some detail in 2009, resulting in estimates that varied widely from those devised by the City.

*Office of the Pro Vice-Chancellor (Education), Vice-Chancellery,
The University of Western Australia, M466, 35 Stirling Highway, Crawley WA 6009
Phone +61 8 6488 2077 Fax +61 8 6488 1013 Email Jane.Long@uwa.edu.au*

2. Excluded from the agenda item's scope is data reflecting the decline in the use of the library by Albany Centre students, the combined result of online delivery of library resources, and variations from earlier projected student numbers. Discussions between UWA and the City have already progressed to address and resolve some areas of disagreement such as depreciation and space usage. We are confident that a more satisfactory agreement can be reached and as such, are concerned that the recommendation before Council has brought negotiations to a premature halt.
3. The agenda item as it is presented also detracts from the process of creating a robust basis for costings to inform any future agreement and ongoing partnership between UWA and APL.
4. UWA would also like to clarify the use of the University's books by the community. The UWA collection at the Albany Public Library currently comprises 2055 books. Members of the public can use all of these items within the library and they may borrow any items not on current student reading lists. At present, there are 311 books restricted for loan to UWA students only, i.e. 84% of the collection can be borrowed by members of the public. We note that members of the public enjoy good use of the UWA collection. In 2009/2010, 70% of the UWA books loaned from the library were borrowed by members of the public rather than by UWA students. In 2010, we note that only 88 UWA Albany students may be accessing the 311 volumes reserved for student loan.

The University is not seeking a subsidy from the City in respect of the Albany Public Library, but we do not wish to pay more than a fair share. For both the University and the City, an affordable, sustainable outcome is required. From the University's own analysis of the service, and information provided by the City, we would therefore offer to pay the City \$30,000 per annum, as a reasonable cost to cover the library service provided by the City for UWA's Albany Centre undergraduate students. This amount accounts for a 0.5 FTE staff member and \$5000 operational cost contribution. We would anticipate modest increases in the annual amount to reflect annual indexation in future years. In devising this offer, we also note the value of the additional space in the Library that was originally funded by UWA, and which we have agreed that we currently do not require. This space is now available for the Library's general community use at no cost to the City.

At this juncture, therefore, the University seeks further opportunity to engage with the City of Albany to work towards a successful outcome for all parties, in a manner which reflects the goodwill that has underpinned our partnership to date. It is that spirit of collaboration which has underpinned our mission in Albany, to provide a high quality educational experience for the region's students and to engage with the broader community.

I would be pleased to discuss these matters further with the City, as would my colleague Ms Jenni Flottmann, the Acting Director of the UWA Albany Centre.

Yours sincerely,



Winthrop Professor Jane Long
Pro Vice-Chancellor (Education)

cc. Professor Alan Robson, Vice-Chancellor, UWA
Ms Jenni Flottmann, A/Director, UWA Albany Centre

Tabled Address from Mr T Harrison

Tony Harrison
34 Gordon St
Little Grove
Albany 6330 W.A

04th October 2010

Dear Governor-General, Ms Quentin Bryce AC;

I am writing to you, to plead for your assistance in reversing the Environmental Protection Authority and the Port of Albany's decision to dump 13 million cubic meters of dredging spoil at the entrance to King George Sound. This proposed dumpsite is just on the border of state and federal boundary. The legitimate and obvious concerns from the profession people who work on The Sound and local community groups have all been ignored and over-ridden by the Environment Minister Faragher and the Premier Colin Barnett.

These groups of people have generations and decades of knowledge of coastal and ocean dynamics around King George Sound. The environmental scientists came down here for 11 months between 2005-2006. This short space of time cannot give an accurate reading of the ocean conditions for that area. The EPA and the Appeals Tribunal will tell you that the CSRIO and the University of Western Australia have agreed with this proposal also. They did not come down here and do there own individual studies. They made their decisions from the Consultants Environmental Review 2007, put out by Ecologia PTY LTD.

There were many mistakes in that C.E.R., wind directions, predicted dredging plume drift directions, and area size of plume. They were correct in the obvious information i.e.: seagrass bed locations, local fishing reefs, unnamed marine animals in the proposed dumpsite. They didn't mention the 7 pristine marine dive sites that exist within the sound and how they will be affected by the shifting sand and plume drift. I did send correspondence to the E.P.A Port of Albany, Grange Resources and Ecologia and asked them as they were acting on the advice of the environmental scientists would they guarantee that the sand is not going to move. None of them would answer that question, yet we can guarantee that it will

Before the muscle farmers could get their leases renewed they had to sign an indemnity form saying that they wouldn't sue if problems occurred during and after dredging and dumping of the soil. That's blackmail or bullying as far as we are concerned. I wrote to the government about that and the reply was basically the Port of Albany could do what they liked end of story.

All we are wanting is the dredging spoil to be taken 6 Nautical miles further out to sea then our lively hoods and pristine underwater environment will be safe. Doing this will put the spoil in deeper water and in direct line of the deeper currents. This spoil will be swept east and west over a number of years (10years) and will be scattered in a manner that will not affect the sensitive underwater environments around King George Sound. For 13 million cubic meters of spoil to be dumped at its proposed site it will be moving from that site for the next 30 years or more. The Port

of Albany dumped dredging spoil just of Middleton beach in 1985, that moving sand has changed the costal and water dynamic in that area for the last 25years, I have proof of that. The consultants and the E.P.A say they will monitor the dredging and dumping, once its dumped there you wont be able to stop the damage, the Ocean WILL shift it. Costal currents do wrap around headlands its called Refraction and this dumpsite is placed in a prime location for this to happen. I have a copy of the Environmental Protection (Sea Dumping) Act 1981. It seems that a person, persons and or company that is involved in sea dumping of contaminated sand, dumping of incineration at sea, or artificial reef placements illegally can get fined, if that's detrimental to the environment. – fair enough.

We know that's nearly impossible to fine the government or take them to court for compensation, and yet it's the Port of Albany that will be dredging a section of Princess Royal Harbour and King George Sound that is severely contaminated. They state that this contamination will be eventually covered with cleaner spoil. But until that happens this contamination will be suspended in the ocean and cause problems to our muscle farms, which are nearby. And in time the ocean will shift the top spoil and re-expose contaminated spoil only to keep causing problems in the years to come, this will not be able to be stopped. It seems if you can get a permit you can legally pollute, that's not morally or constitutionally correct and they get away with it, and we the locals will suffer.

Professional businesses and we the listed communities plead with you,
 Governor-General, to overturn this decision;
 South Coast Professional Fisherman's Association
 South Coast Muscle Farmers Association
 Tour Operators; Albany Whale Tours
 Albany Dolphin and Whale tours
 Albany Dive Shop
 South Coast Dive shop
 South Coast Progress Association
 City of Albany and Councillors
 City of Albany Rate Payers Association
 Petition - 1100 signatures to Lower House
 60 signatures to Upper House

Kind Regards



Tony Harrison

Concerned Environmentalist and Local resident of Albany, Western Australia

Tabled Address from Councillor J Bostock

OCM 19 October 2010

Item 3 Announcement by Mayor and Councillors without discussion.

I think we all recognise that Council and the City of Albany have experienced difficulties over the years and in the last year it has become particularly challenging. One might argue as to the precipitating factors, but I think we can all agree that our current situation is a culmination of a number of issues coming together. It is essential for the well being of our community that resolution is established as soon as possible and it is disappointing that it has been prolonged by a reluctance to uncover the facts and use the knowledge to bring positive improvement.

I am hoping that the Mayors courageous public statement and the CEOs frank explanation, published in the local papers will provide the much needed catalyst to provide greater self examination and a more positive approach. It is in my view the only way that trust can be regained.

Much damage has been done and it is time to build bridges. If we are to realise the incredible potential this City holds we must be united and step forward with openness and integrity and accept nothing less.

I wish to publically thank, both John Bonker our CEO and Milton Evans our Mayor for your honesty and strength in standing up for what is right. I am acutely aware that the difficulties suffered by Councillors Paver, David Bostock and myself are only a part of the whole and the unprecedented events of the last year have placed considerable demands on our Mayor. The difficulty of your role is not well understood or appreciated, but I wish to acknowledge your diligence and unwavering striving for this community, which you have maintained under the most exceptional, adverse circumstances.

As I have said before mistakes are an inevitable part of human endeavour, what matters is how we manage them. Mayor your public statement is an essential and important step and has demonstrated admirable honour and worthiness for your position as leader of this Council and our community.

I thank you most sincerely.

Councillor Jill Bostock