

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 20th March 2007
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Peter Madigan
Acting Chief Executive Officer

Date: 22nd March 2007

TABLE OF CONTENTS

1.0	Declaration of Opening	5
2.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	5
3.0	Opening Prayer	5
4.0	Response to Previous Public Questions Taken On Notice	5
5.0	Public Question Time	7
6.0	Confirmation Of Minutes of Previous Meeting	8
7.0	Applications For Leave Of Absence	8
8.0	Disclosure of Financial Interests	9
9.0	Matters for Which Meeting May Be Closed	9
10.0	Petitions/Deputations/Presentations	9
11.0	Reports – Development Services	10
11.1	Development	
11.1.1	Development Application - Cottage Industry (change of use from Dwelling) - Lot 135 (105) Frenchman Bay Road, Robinson	11
11.1.2	Development Application - Additions to Club Premises - 22-23 Aberdeen Street, Albany	18
11.1.3	Development Application - Oversize Outbuilding - 97 Deloraine Drive, Warrenup	26
11.1.4	Development Application - Light Industry (Textiles and Packaging) - 11 Minna Street, Centennial Park	31
11.1.5	Development Application - Change of Use - Bulky Goods Outlet - 160 Chesterpass Road, Lange	35
11.1.6	Development Application - Bulky Goods Outlet - 160-166 Albany Highway, Centennial Park	45
11.1.7	Removal of Pine Trees - Pines Estate, South Coast Highway, McKail	53
11.1.8	Development Issue - Over Height Front Fence	57
11.1.9	Road Dedication - Conversion of Right of Way to Public Road - King River	62
11.2	Health, Building & Rangers	
11.2.1	Modifications to Parking Arrangements - Stirling Terrace, Albany	65
11.2.2	Request to Extend Liquor Licence Area - Lockyer Avenue, Centennial Park	70
11.3	Development Policy	
11.3.1	Review of Albany Local Planning Strategy	76
11.3.2	Draft Scheme Policy - Little Grove Residential Zone: Conceptual Structure Plan	79
11.3.3	Content of the Community Planning Scheme - Guidance on Scheme Provisions	82

11.3.4	Scheme Amendment Request - Lots 1500 & 1499 Hardie Road, Spencer Park	87
11.3.5	Scheme Amendment Request - Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup	92
11.3.6	Final Approval for Scheme Amendment - Lot 3 Golf Links Road, Middleton Beach	97
11.3.7	Final adoption of Subdivision Guide Plan for Amendment 179 - Lots 50 & 51 Link Road, Marbellup	101
11.3.8	Final Approval for Amendment - Lots 42 & 47 Lower King Road, Bayonet Head	106
11.3.9	Review of City of Albany Town Planning Scheme Policies - Various Policies	113
11.3.10	Review of City of Albany Town Planning Scheme Policies - Various Policies	118
11.3.11	Review of City of Albany Town Planning Scheme Policies - Various Policies	123
11.4	Reserves Planning	
	Nil	128
11.5	Development Service Committee	
	Nil	128
12.0	Reports – Corporate & Community Services	129
12.1	Finance	
	12.1.1 List of Accounts for Payment	130
	12.1.2 Financial Activity Statement	132
12.2	Administration	
	Nil	136
12.3	Library Services	
	Nil	136
12.4	Day Care Centre	
	Nil	136
12.5	Town Hall	
	Nil	136
12.6	Recreation Services	
	12.6.1 Albany Leisure & Aquatic Centre Upgrade – Formation of Albany Leisure & Aquatic Centre User Group	137
12.7	Visitor Centre	
	12.7.1 Amendment to Contract C05026 – Accommodation and Tour Booking Contract	140

12.8	Corporate & Community Services Committee	
12.8.1	Albany Arts Advisory Committee Special meeting minutes – 21 st February 2007	147
12.8.2	Albany Arts Advisory Committee meeting minutes – 14 th February 2007	154
13.0	Reports – Works & Services	155
13.1	City Assets - Asset Management	
13.1.1	Approval for grant funds for signage Albany Cycling Map	156
13.2	City Services – Waste Management	
	Nil	159
13.3	City Services – Airport Management	
13.3.1	Bureau of Meteorology - Review	160
13.4	City Services – Contract Management	
13.4.1	Contract C06049 Construction of a new Municipal Skateboard and BMX facility in the Sandford Road Youth Precinct	163
13.5	City Services – Property Management	
13.5.1	New Lease for the Albany Volunteer State Emergency Service	167
13.6	City Works – Capital Works	
	Nil	171
13.7	City Works – Reserves, Planning & Management	
13.7.1	Proposed Road Closure - William Street, Little Grove	172
13.8	Works & Services Committees	
	Nil	177
14.0	Reports – General Management Services	178
14.1	Strategic Development	
	Nil	179
14.2	Organisational Development	
	Nil	179
14.3	Economic Development	
	Nil	179
14.4	Corporate Governance	
	Nil	179
14.5	General Management Services Committee	
14.5.1	Minutes of Albany Tourism Marketing Advisory Committee – 8 February 2007	180
14.5.2	Proposed Multi-purpose Community Centre	181
15.0	Elected Members’ Monthly Report / Information Bulletin	184
16.0	Motions Of Which Previous Notice Has Been Given	184

17.0	Mayors Report	184
18.0	Urgent Business Approved by Mayor or by Decision of the Meeting	187
18.1	Development Services Compliance – Authorisation for Staff – Various State Government Acts	187
19.0	Closed Doors	190
20.0	Next Ordinary Meeting Date	190
21.0	Closure of Meeting	190

1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.01pm and extended a welcome to all present.

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Executive Director Development Services	-	R Fenn
Minute Secretary	-	JR Byrne
Approximately 15 members of the public		
2 media representatives		

Apologies:

Councillor MJ Evans, JP

3.0 OPENING PRAYER

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

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the 20th February 2007 Ordinary Council Meeting, Mrs Kim Stanton tabled a series of questions relating to the development of the footbridge between Stirling Terrace and the Princess Royal Harbour waterfront. A copy of those questions and the answers subsequently provided in writing to Mrs Stanton follow:

Does the City of Albany need WAPC approval before allowing any development on the Albany Foreshore Project?

Item 4.0 continued

Clauses 4.39 to 4.50 of the City of Albany Town Planning Scheme 1A detail the process for considering development proposals within the Foreshore Development Zone, covering the site of the Albany Waterfront (AWF) project. It is clauses 4.39 and 4.48 that set out the process of adoption of the Structure and Precinct Plans and those clauses state that Council does not require the approval of the WAPC to adopt those documents. It is the City's understanding that the WAPC is independently examining the Structure and Precinct Plans to ensure any subdivisional proposal, to which the Commission has the approval powers, is in accordance with sound planning principles.

If so, then is it correct, that after the City of Albany have passed the Structure and Precinct Plans that a Scheme Amendment then has to be approved by the WAPC, that allows it to be included into the TPS1A.

The land is appropriately zoned and no scheme amendment is required.

Could a building license be issued by the City without that approval?

Clause 4.43 of the Scheme states; "no person shall carry out any development within the foreshore development zone unless such development is in accordance with a Precinct Plan which has first been adopted by the Council." The proposed footbridge is a "public work", not dissimilar to a road or drain, and it is the view of the City that the footbridge would be exempted under the Public Works Act from the requirement to obtain a building licence; the footbridge is also to be constructed almost exclusively outside the zone to which clause 4.43 applies.

If WAPC approval is necessary, then did the City of Albany have it before this Pedestrian Bridge was approved under Delegated Authority?

Refer to earlier comments.

I would like to also raise concerns about the timing of this building license and the Heritage Impact Statement that I believe has not yet been released to the public.

Notwithstanding that Landcorp was not required to obtain a planning scheme consent for the footbridge, an Application for Planning Scheme Consent was lodged and that application was referred to the Heritage Council of WA, to Main Roads WA, to the Albany Port Authority and to the State Transit Authority. In response to comments from those agencies, the position and design of the footbridge was adjusted to overcome heritage and operational concerns.

Should the delegated authority for the bridge been delayed, until this information was obtained?

The City of Albany has written advice from the Heritage Council accepting the location of the footbridge to the east of the Rotunda. There appeared to be no reason to withhold the approval.

Is it legal under Planning Law for this license to occur without Heritage or WAPC approval?

Item 4.0 continued

The Heritage Act prevents a Local Authority from approving a development that may impact upon a place identified on the Register of State Heritage Places, without first consulting with the Heritage Council of WA. That consultation was undertaken for the footbridge as the project had the potential to impact upon the Stirling Terrace Rotunda.

Also, was the full list of public submissions re this Project given to the WAPC allowing the full weight of the public comment to be noted by the WAPC?

Council agendas and minutes are public documents and it is understood that the agenda items dealing with the Structure and Precinct Plans were submitted to the WAPC as part of the reporting process. The City of Albany does not have access to WAPC agenda items to confirm their content.

I trust that these comments assist you in understanding the position of Council in regards to the construction of the pedestrian footbridge.

5.0 PUBLIC QUESTION TIME

***Mr D Godbolt**

Mr Godbolt addressed the Council in regard to Item 11.1.3 and as the applicant, encouraged Council to consider the application for an oversized shed favourably. He indicated that he has planted screening trees around the shed and intends to build his residence in front to obscure it from the road. He intends using the shed to do up an old car and store spare parts.

***Ms T Sleeman**

Ms Sleeman addressed the Council in regard to Item 11.1.1. She indicated the type of work to be conducted will be mosaics, wrought iron and country crafts. As the applicant, she encouraged Council to endorse the Officer's Recommendation.

***Mr T Harrison**

Mr Harrison stated that at the 19th December 2006 meeting he had made a statement about soil taken from the dredging of the Albany Port, and possibly contaminated with unexploded ordinance (UXO), being used as fill on a property in the Torbay area. He advised that the statement was incorrect and apologised. He advised that the soil had in fact been taken from the footings of the old silos. However, he wanted to know if any action had been taken in respect of his original statement and if the soil had been tested for contaminants.

The Executive Director Development Services responded and advised that a letter had been sent to the property owners suggesting that testing of the soil ought to be undertaken to assure themselves of its suitability, and will certainly need to be tested and evidence to that effect provided to the City of Albany prior to the commencement of any construction activity where that soil had been used as fill. He further stated that a file note had been placed on the property file indicating the above restriction.

***Mr T Harrison**

Mr Harrison stated that he was concerned at the lack of effort made to retain trees and the subsequent impact on climate change. He stated that the Council was directly and indirectly responsible for the clearing of between 50 – 100 acres of trees per annum. He encouraged a greater effort by Council to retain stands of trees.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 20th February 2007; as previously distributed be confirmed as a true and accurate record of proceedings; AND
- Ordinary Council meeting held on 19th December 2006; as previously distributed be confirmed as a true and accurate record of proceedings, subject to the Council Policy documents: Design Guidelines – Lot 1379 Barry Court; and Coastal Development – Building Height Restrictions, tabled by Councillor Paver, and included on pages 49 to 66, being amended by removing the 'DRAFT' watermark to correctly illustrate that the tabled documents are adopted policies of the Council.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILLIAMS**

THAT the following minutes:

- **Ordinary Council meeting held on 20th February 2007; as previously distributed be confirmed as a true and accurate record of proceedings; AND**
- **Ordinary Council meeting held on 19th December 2006; as previously distributed be confirmed as a true and accurate record of proceedings, subject to the Council Policy documents: Design Guidelines – Lot 1379 Barry Court; and Coastal Development – Building Height Restrictions, tabled by Councillor Paver, and included on pages 49 to 66, being amended by removing the 'DRAFT' watermark to correctly illustrate that the tabled documents are adopted policies of the Council.**

CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MARSHALL**

THAT Councillor Paver be granted leave of absence for the 17 April 2007 Ordinary Council Meeting.

CARRIED 14-0

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item	Nature of Interest
Councillor Marshall	11.1.1	Financial – Administrator of Albany Basketball Association and the proponent is on the Committee that runs the Albany Basketball Association and pays his wages.
Councillor Lionetti	11.1.2	Financial – Proprietor of a business that supplies liquor to the applicant.
Councillor Wiseman	11.1.2	Financial – Employee of a business that supplies liquor to the applicant.
Councillor Marshall	12.6.1	Financial – Administrator of Albany Basketball Association and derives income from the Association, which is a major user of the ALAC.
Councillor Paver	12.7.1	Financial – Supplier of marketing services to the City of Albany.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

REPORTS

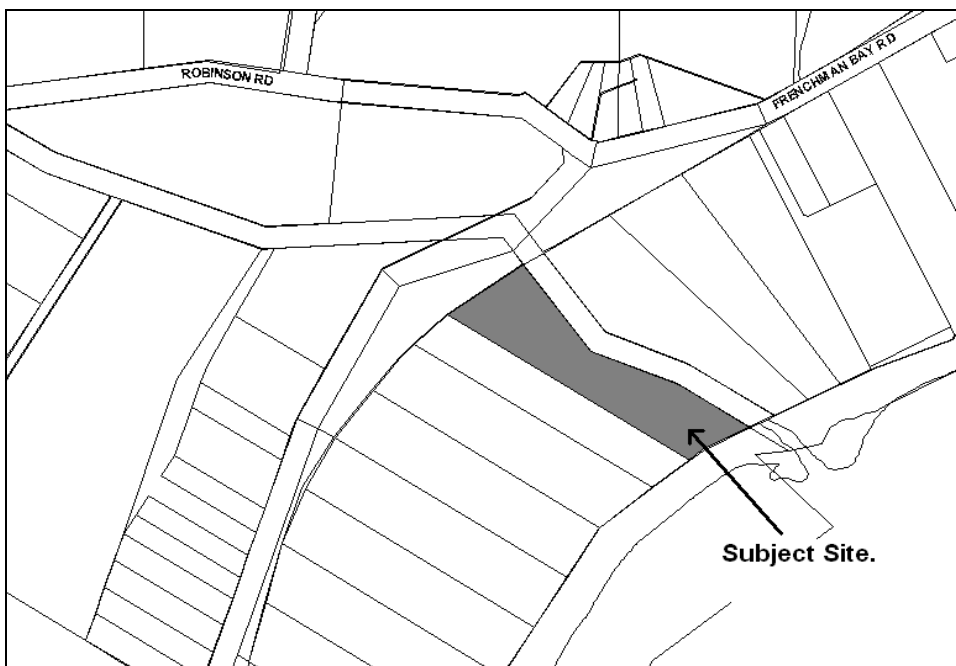
- R E P O R T S -

11.1 DEVELOPMENT

Councillor Marshall declared a financial interest in Item 11.1.1 and left the meeting at 7.13pm. The nature of Councillor Marshall's interest is that he is an employee of the Albany Basketball Association and the proponent is on the committee that runs the Albany Basketball Association.

11.1.1 Development Application - Cottage Industry (Change of Use from Dwelling) - Lot 135 (105) Frenchman Bay Road, Robinson

File/Ward	: A40652 (Vancouver Ward)
Proposal/Issue	: Change of use of an unoccupied Dwelling to Cottage Industry
Subject Land/Locality	: Lot 135 (105) Frenchman Bay Road, Robinson
Proponent	: N Sleeman
Owner	: N and TLA Sleeman
Reporting Officer(s)	: Planning Officer (I Humphrey)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Approve, subject to conditions
Bulletin Attachment	: Submissions on Application, and a written statement from the applicant
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application was originally received to change the use of a dwelling into a “Shop” at Lot 135 (105) Frenchman Bay Road, Robinson. The application was advertised as such, however after further consultation with the applicant it would appear that the use would be closer to a “Cottage Industry”. A site plan is attached to the rear of this report.
2. The 1.27 ha land parcel is zoned “Residential Development” under Town Planning Scheme 3, and is adjacent to the boundary of Town Planning Scheme 1A where neighbouring lots are zoned “Tourist Residential”.
3. The dwelling was required to be demolished under a previous consent (P255046) when a new dwelling was approved on the site, within 12 months of the new dwelling being completed. The 12-month period to demolish the old dwelling expired on 30 October 2006.
4. The proposed cottage industry would have an internal floor space of 88 m² with the existing veranda and lean-to’s being demolished. The access to the proposed cottage industry would be along the existing driveway and would utilise the existing crossover.

STATUTORY REQUIREMENTS

5. The land use “Cottage Industry” is an “A” use in the Residential Development zone as per Town Planning Scheme 3, and is defined as:

“a business carried on with the permission of the responsible authority within a dwelling or the curtilage of a dwelling which:

- (i) involves the application of trade, professional, or artistic skill;*
- (ii) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;*
- (iii) does not entail the employment of any person not a member of the occupier’s family, except in the case of a professional person;*
- (iv) when located in an area zoned other than “Rural” does not occupy an area greater than 20 square metres;*
- (v) does not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to the street in which the business is located;*
- (vi) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;*
- (vii) is restricted in its advertising on site to a sign not exceeding 0.2 square metres in area and the sign does not involve illumination;*
- (viii) in situation where the occupation is that of a bus driver, carrier, or other transport operator, complies with clause 5.12 of the Scheme text;*
- (ix) in the case of occupation as a builder, electrician, plumber, carpenter, painter or occupation of a similar nature:*
 - (1) complies with clause 5.12 of the Scheme text;*
 - (2) the storage of any material or product or waste products is wholly contained within a domestic outbuilding;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- (3) *any commercial vehicles kept on the site for a period longer than four hours are stationed behind the building lines associated with the property;*
- (4) *any communications installation associated with the activity is the subject of a separate application to Council for approval;*

POLICY IMPLICATIONS

- 6. There are no policy implications regarding this application.

FINANCIAL IMPLICATIONS

- 7. There are no financial implications regarding this application.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Being the regional retailing and services hub;*
- *Providing a complete tourism experience;*

Mission Statement:

At all times we will...

- *Respect the Community’s aspirations and resources;*

The City of Albany is committed to...

- *Providing sound governance.”*

COMMENT/DISCUSSION

- 9. Two letters were received (copies included in Elected Member’s Report / Information Bulletin) following the advertising period (for a “Shop”), one in objection and one in support. A summary of the comments follows:

Objections:

- Is a residential area, should remain as such.
- Concerns over amount of noise that would be created.
- Impact on my lifestyle and devalue my property.
- Forms of lighting to be used?
- Trading hours and days of the week of operation?
- Possible signage and concerns of visual pollution.
- Types of products to be sold and location of manufacturing.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Support:

- Asset to the area.
 - Great to see young people using their initiative to establish a business.
10. This application was originally submitted as a “Shop” for the selling of garden/gift ware by the applicant and was subsequently advertised as a “Shop”. Further clarification was requested from the applicant as to the type and percentages of the items for sale, which highlighted that considerably more than first stated (i.e. over 50%) of the goods offered for sale are to be manufactured by the applicants either on, or off site.
 11. The first element of the cottage industry involves the designing, assembling and finishing of mosaics and other country crafts. This element creates little or no noise or pollutants.
 12. The second element is wrought iron work. The applicant has a workshop unit on Chesterpass Road where the metal fabrication and heavy woodturning and working takes place. This would remain, with only scrollwork, cold forming and bending, taking place on site that creates little or no noise. No cutting or grinding would be required.
 13. No additional advertising / consultation was undertaken as the issue on-site remains unchanged. The applicant has submitted a written statement that addresses the concerns raised, and a copy of this statement is included in the Elected Member’s Report / Information Bulletin. The statement sets out daylight only opening hours, states that adequate distances to boundaries will be provided, and landscaping could be increased to lessen any noise created by vehicles entering and exiting the site. These issues can also be controlled by planning conditions, if required and if an approval is granted.
 14. Although the building is over the 20m² permitted under the scheme, the applicant will remove all the lean-to’s and verandas to reduce the building down to 88m², any further reductions would be impracticable and not structurally possible. The additional building area will have little additional impact, and considering the two types of “industries” that are taking place on the site, including one of a bulky nature, it is not unreasonable.
 15. Modifications to the entranceway, with a possible relocation away from the bridge and culvert, has been suggested for safety reasons. The previous septic system has been decommissioned, and thus a new system is required. These issues can also be controlled by planning conditions if required, and if an approval is granted.
 16. The use of the building as a “Cottage Industry” is therefore acceptable, and due to its location on an established tourist route, could be a valuable asset to the area. The approved land use on the site can also be narrowly defined, thereby reducing the longer term impacts of using the building for a commercial activity.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Approval for the application for the change of use from “Dwelling” to “Cottage Industry” at Lot 135 (105) Frenchman Bay Road, Robinson subject to the follow conditions:

1. A minimum of 50% of the items displayed or sold on the premises must be produced by the owners/proprietors.
2. Revised details of the vehicular access and crossover point is to be submitted and approved by Council before the issuing of a Building Licence.
3. Any existing crossovers not included as part of the proposed development are to be closed and the kerb, footpath and the verge reinstated.
4. Any new crossover(s) being constructed to Council’s specifications, levels and satisfaction in accordance with drawing numbers. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve.
5. Vehicular parking and manoeuvring areas indicated on the approved plan are to be constructed, properly drained and sealed to the satisfaction of Council. All parking spaces are to be line marked and maintained in good repair.
6. All outbuildings, verandahs and lean-to’s coloured red on the plans hereby approved shall be demolished and removed from the site before the “Cottage Industry” Use hereby approved is commenced on-site.
7. Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
8. All runoff from impervious surfaces is to be disposed of to Council’s satisfaction.
9. The use shall comply with the relevant sections of Clause 1.6 of Town Planning Scheme 3 at all times, apart from part (iv) which shall be 88m².
10. No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings.
11. The loading and unloading of goods 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.
12. Council reserves the right to rescind the Cottage Industry approval where conditions of the Planning Consent are contravened subject to 21 days notice in writing to the applicant.

Voting Requirement Simple Majority

.....

Item 11.1.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR PAVER**

THAT Council resolves to issue a Notice of Planning Scheme Approval for the application for the change of use from “Dwelling” to “Cottage Industry” at Lot 135 (105) Frenchman Bay Road, Robinson subject to the follow conditions:

- 1. A minimum of 50% of the items displayed or sold on the premises must be produced by the owners/proprietors.**
- 2. Revised details of the vehicular access and crossover point is to be submitted and approved by Council before the issuing of a Building Licence.**
- 3. Any existing crossovers not included as part of the proposed development are to be closed and the kerb, footpath and the verge reinstated.**
- 4. Any new crossover(s) being constructed to Council’s specifications, levels and satisfaction in accordance with drawing numbers. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve.**
- 5. Vehicular parking and manoeuvring areas indicated on the approved plan are to be constructed, properly drained and sealed to the satisfaction of Council. All parking spaces are to be line marked and maintained in good repair.**
- 6. All outbuildings, verandahs and lean-to’s coloured red on the plans hereby approved shall be demolished and removed from the site before the “Cottage Industry” Use hereby approved is commenced on-site.**
- 7. Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.**
- 8. All runoff from impervious surfaces is to be disposed of to Council’s satisfaction.**
- 9. The use shall comply with the relevant sections of Clause 1.6 of Town Planning Scheme 3 at all times, apart from part (iv) which shall be 88m².**
- 10. No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings.**
- 11. The loading and unloading of goods 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.**

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

12. Council reserves the right to rescind the Cottage Industry approval where conditions of the Planning Consent are contravened subject to 21 days notice in writing to the applicant.

CARRIED 13-0

Councillor Marshall returned to the meeting at 7.14pm after consideration of Item 11.1.1

DEVELOPMENT SERVICES REPORTS

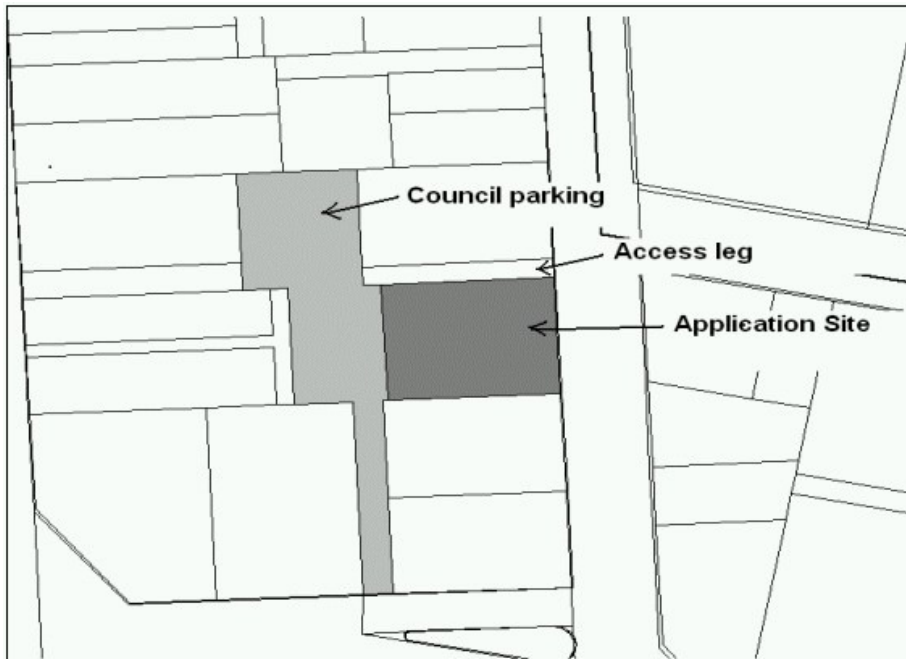
Councillors Lionetti and Wiseman each declared a financial interest in Item 11.1.2 and left the meeting at 7.14pm.

The nature of Councillor Lionetti’s interest is that he is the proprietor of a business that supplies liquor to the applicant.

The nature of Councillor Wiseman’s interest is that he is an employee of a business that supplies liquor to the applicant.

11.1.2 Development Application - Additions to Club Premises - 22-23 Aberdeen Street, Albany

File/Ward	:	A149179 (Frederickstown)
Proposal/Issue	:	Additions to Club Premises
Subject Land/Locality	:	22-23 Aberdeen Street, Albany
Proponent	:	HJ Smith
Owner	:	Albany Club Inc
Reporting Officer(s)	:	Planning Officer (I Humphrey)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Approve, subject to conditions
Bulletin Attachment	:	Building Elevations
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received for a building extension to the State registered historic building, owned and operated by the Albany Club, to create new premises for the Freemasons. A previous application on the site was refused under Officer's delegated powers, due to a lack of support from the Heritage Council. The applicant has subsequently liaised with the Heritage Council and this application has their support, subject to conditions.
2. The building has been extended several times previously, including a significant addition approved in 1989. The building was added to the Interim State Heritage list in June 2005 and the permanent list in May 2006.
3. The Proponent seeks a car park relaxation for all the additional bays brought about by an increase in the building's floor area.

STATUTORY REQUIREMENTS

4. Club premises in the Central Area zone is a "Permitted" use under Town Planning Scheme 1A, and the proposal conforms to nearly all the General Development standards for the zone, apart from Car Parking.
5. The current building requires 12 spaces, which according to the current Town Planning Scheme, (i.e. 1 space for 40m²) is sufficient and is currently provided on site. The proposed addition will require 10 additional spaces, resulting in a total of 22 for the whole development, however the proposal seeks to remove 8 of the existing spaces resulting in a shortfall of 18 spaces.

POLICY IMPLICATIONS

6. The car parking deficit within the development would need to comply to section 2 of the "Guidelines for the Assessment of Off-site, Verge and Cash-In-Lieu Car parking Proposals" policy as the site falls with the Albany Central Area. This states that providing car parking for a development on one site or an adjoining or nearby site which forms a separate Certificate of Title (irrespective of the ownership of each site) may only be approved if it complies with the conditions outlined below:
 - 2.1 *The planning merit of approving the provision of car parking for a development on one site on an adjoining or nearby site is established. It should be noted that "Car park" must be a use, which can be approved by Council on the site where it is proposed to provide car parking.*
 - 2.2 *Meeting a car-parking shortfall through providing car parking on an adjoining lot should only occur where a boundary adjustment or lot amalgamation is not practical.*
 - 2.3 *The site on which car parking is being provided should generally be separated by a distance of no more than 20 metres (via the road reserve or other accessible land, be it public or private) from the site where the development is taking place if the car parking is dedicated to a residential and/or holiday accommodation use.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- 2.4 *The site on which car parking is being provided must generally be separated by a distance of no more than 50 metres (via the road reserve or other accessible land, be it public or private) from the site where the development is taking place if the car parking is dedicated to any other use.*
 - 2.5 *Except where car parking is being provided on an adjoining site and adequate disabled access can be maintained, sufficient car parking for disabled persons must be provided on the site where the development is taking place.*
 - 2.6 *The car parking area is to be designed and constructed at the applicant's expense to the satisfaction of Council and must be drained, sealed and line marked.*
 - 2.7 *The car parking areas are to be landscaped and constructed in accordance with the conditions of planning consent using finishes and materials (paving, kerbing etc) consistent with the surrounding streetscape or with any plan that Council may have for the redevelopment of that streetscape.*
 - 2.8 *The required number of car parking spaces are to be exclusively available for the use of the site where the car parking shortfall exists unless the principle of "reciprocal use" can be established (e.g. A nightclub operating only at night may be able to share car parking with a shop open only during the day).*
 - 2.9 *Any arrangement to allow a car parking shortfall to be met through providing car parking on an adjoining or nearby site is to be supported by a legal agreement drafted at the applicant's expense. Council and all affected landowners are to be parties to the agreement. Where car parking is provided on an adjoining lot then the arrangement is to be reflected through an easement registered on the title of the affected lot as well as the legal agreement.*
7. As well as the above policy the Councils "Development Guidelines Scheme 1A" policy also sets out under section 6.5 (parking) details for accepting either a cash payment or the transfer of land for car parking providing that:
- *cash in lieu rates are calculated on the basis of 26 m². per parking bay and include the cost of land within the development site, asphalt paving on a suitable basecourse, drainage, linemarking, landscaping and, where applicable, lighting and:*
 - *the additional site coverage will not preclude the integration of access and car parking across lot boundaries.*
8. The use of Council verge for car parking is not practicable due to the road and pavement design within the area.

FINANCIAL IMPLICATIONS

9. If supported, all costs would be borne by the applicant, although if the cash in lieu option is pursued it could require Council to either seek suitable land or the upgrade of existing car parking areas.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

At all times we will...

- *Respect the Community’s aspirations and resources;*

Priority Projects:

Nil

COMMENT/DISCUSSION

11. The design and appearance of the building extension has been assessed by the Heritage Council due to the State Importance of the building. The main concern is the lack of car parking for the development and the request to allow a reduction. No rationale has been submitted to justify the relaxation of the car parking standards, however the previous refused application stated that there is sufficient street parking in the area and a large Council owned car park to the rear. The carpark is in need of repair however, with several potholes and broken traffic islands and is currently not illuminated. The existing Albany Club has a maximum occupancy of 100 and, as the exiting toilets are not to be upgraded, this is to be the most people allowed on the site at any one time.
12. The proposal will require an additional disabled bay, thus resulting in two for the site, which along with two other bays can be provided towards the front of the property, directly off of the access leg. The other 18 spaces are to be sourced in the Council car park to the rear and by existing on street parking. There are 3 on street bays directly in front of the Club, with 3 more directly in front of the neighbouring lot to the South, with the only other on-street parking being nearly 25m north from the site. The immediate area is predominantly office based, with the exception of one private health business. The Council car park to the rear, currently has 43 spaces. A further 9 bays about the Council car park in the area to the rear of Toy World. Those bays are likely to remain unchanged unless Council relaxes car parking standards for commercial development in the locality.
13. According to the “Guidelines for the Assessment of Off-site, Verge and Cash-In-Lieu Car Parking Proposals” policy (which was predominantly set up for private land rather than Local Government land), the proposal seems to comply with most of the requirements regarding the use of the Council car park for the rear. However, Council would only support the relaxation on privately owned land if a legal agreement was entered into allowing exclusivity for the Albany Club.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

14. The need for a legal agreement is questioned. However, allowing the use of the Council car park for the use of the Albany Club exclusively, could set not only an unwanted precedent, for future development within the immediate area, but also for other future developments throughout the City of Albany. The on-street bays do not conform to the Policy (in terms of exclusivity) and therefore cannot be included in any agreement for usage.
15. Technically, it would be unwise for the Council to allow an area of public car park to be reserved exclusively for a private use, and could also raise issues of enforcement. This could set an unwanted precedent and would allow other private developers to seek the same relaxations and agreements; it should be noted however that the Albany Club / Freemasons are not commercial activities. Furthermore, the hours of operation of the activities on the site are outside normal retail / office hours and the car park usage will be extended by the proposed development.
16. The developer could consider the option of cash in lieu for the additional 18 bays required, however at current market prices of \$67,000 per bay, this is highly unlikely to be acceptable at a total cost of \$1.2 million. A second option could be for a voluntary contribution to up-grade, repair and illuminate the existing Council car park, however this may lead to legal issues in terms of associated ownership and so would need to include the whole Council parking area.
17. The applicant has also requested a refund of the planning fee (\$1150), as this is their second application and they are a “not for profit” organisation. The first application was refused at their request (to pursue an appeal option), and significant work has been undertaken by officers on both applications.

RECOMMENDATION

THAT the Council issue a Notice of Planning Scheme Consent for additions to club premises at 22-23 Aberdeen Street, Albany, subject to the following conditions:

1. The connection of the new fabric to the existing Albany Club shall be achieved with minimal intervention to the original fabric.
2. The external southern wall of the Albany Club shall be read as such within the new addition.
3. Where it is proposed to infill existing windows this shall be achieved using lightweight fabric (rather than masonry) so as to be wholly reversible. All existing original detailing is to be retained and conserved intact and new infill shall be recessed on either side to allow for the interpretation of the former openings.
4. The veranda shall be reconstructed to match the style, material and dimensions of the original in accordance with documentary and photographic evidence.
5. The southern and eastern elevations of the new additions shall be articulated and detailed in a sympathetic manner. Materials, colours and window styles and proportions shall not attempt to copy the original building but may be a modern interpretation of original details, or a very simple form so as not to detract from an appreciation of the original detail.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

6. Existing vegetation along the southern boundary of the site shall be maintained to the maximum extent to act as a screening device for the new addition.
7. A protocol for addressing archaeology shall be developed before any site works commence.
8. Two disabled car-parking bays shall be provided within the property boundary, and be marked out and retained as such thereafter.
9. A contribution to an amount to be agreed with the Executive Director of Works and Services, shall be paid and used exclusively for the up-grade, repair and illumination of the Council's public parking area in the immediate locality.

ADDENDUM

18. The Council car park identified in the locality plan has been inspected by the Executive Directors of Development Services and of Works and Services and it was noted that the surface of the car park is deteriorating and the bitumen surface needs to be overlaid with hot mix bitumen. It would not be unreasonable to expect the proposed development to fund that overlay, estimated to cost approximately \$40,000.

AMENDED RECOMMENDATION

THAT the Council issue a Notice of Planning Scheme Consent for additions to club premises at 22-23 Aberdeen Street, Albany, subject to the following conditions:

1. The connection of the new fabric to the existing Albany Club shall be achieved with minimal intervention to the original fabric.
2. The external southern wall of the Albany Club shall be read as such within the new addition.
3. Where it is proposed to infill existing windows this shall be achieved using lightweight fabric (rather than masonry) so as to be wholly reversible. All existing original detailing is to be retained and conserved intact and new infill shall be recessed on either side to allow for the interpretation of the former openings.
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5. The southern and eastern elevations of the new additions shall be articulated and detailed in a sympathetic manner. Materials, colours and window styles and proportions shall not attempt to copy the original building but may be a modern interpretation of original details, or a very simple form so as not to detract from an appreciation of the original detail.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

6. Existing vegetation along the southern boundary of the site shall be maintained to the maximum extent to act as a screening device for the new addition.
7. A protocol for addressing archaeology shall be developed before any site works commence.
8. Two disabled car-parking bays shall be provided within the property boundary, and be marked out and retained as such thereafter.
9. In lieu of providing car parking bays upon the subject land, the developer shall meet the Council's reasonable costs to resurface the Council owned public car parking area upon lot 50 Peels Place, Albany.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WALKER**

THAT the Council issue a Notice of Planning Scheme Consent for additions to club premises at 22-23 Aberdeen Street, Albany, subject to the following conditions:

1. **The connection of the new fabric to the existing Albany Club shall be achieved with minimal intervention to the original fabric.**
2. **The external southern wall of the Albany Club shall be read as such within the new addition.**
3. **Where it is proposed to infill existing windows this shall be achieved using lightweight fabric (rather than masonry) so as to be wholly reversible. All existing original detailing is to be retained and conserved intact and new infill shall be recessed on either side to allow for the interpretation of the former openings.**
4. **The veranda shall be reconstructed to match the style, material and dimensions of the original in accordance with documentary and photographic evidence.**
5. **The southern and eastern elevations of the new additions shall be articulated and detailed in a sympathetic manner. Materials, colours and window styles and proportions shall not attempt to copy the original building but may be a modern interpretation of original details, or a very simple form so as not to detract from an appreciation of the original detail.**
6. **Existing vegetation along the southern boundary of the site shall be maintained to the maximum extent to act as a screening device for the new addition.**

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- 7. A protocol for addressing archaeology shall be developed before any site works commence.**
- 8. Two disabled car-parking bays shall be provided within the property boundary, and be marked out and retained as such thereafter.**
- 9. In lieu of providing car parking bays upon the subject land, the developer shall meet the Council's reasonable costs to resurface the Council owned public car parking area upon lot 50 Peels Place, Albany.**

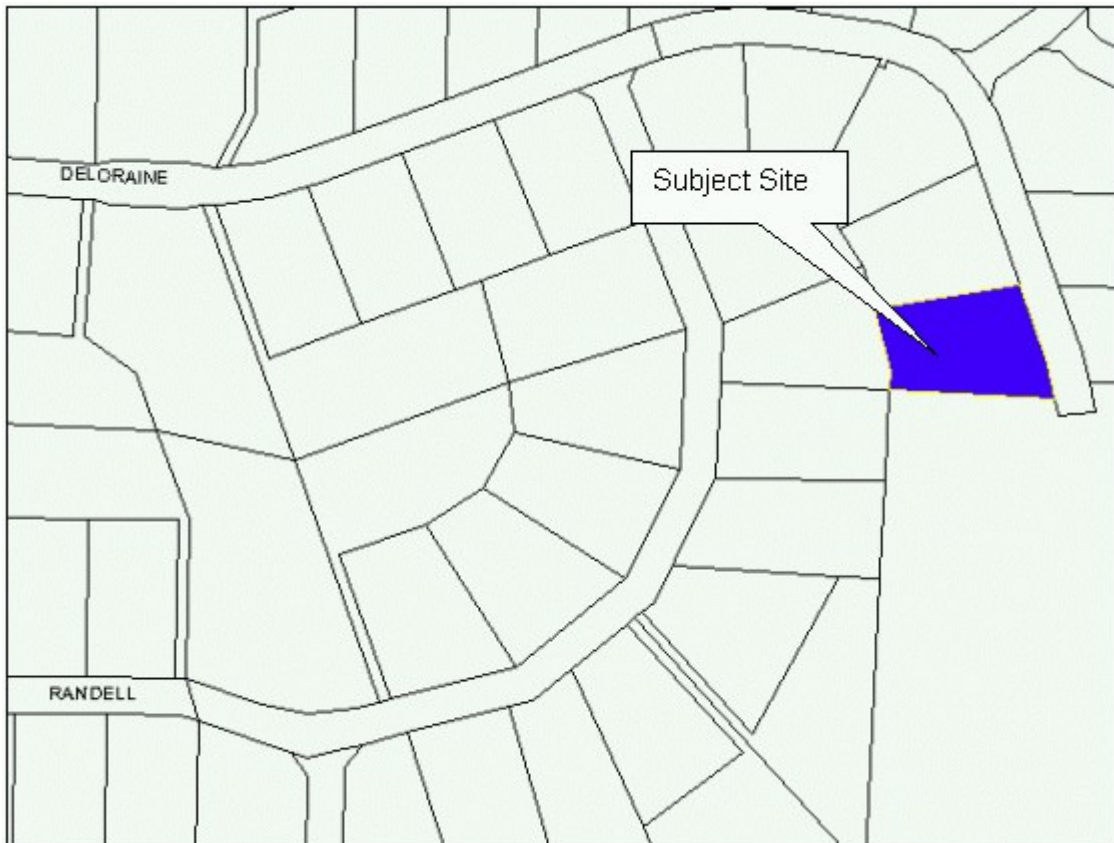
CARRIED 12-0

Councillors Lionetti and Wiseman returned to the meeting at 7.20pm after consideration of Item 11.1.2

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application - Oversize Outbuilding - 97 Deloraine Drive, Warrenup

File/Ward : A187088 (Kalgan Ward)
Proposal/Issue : Oversize Outbuilding
Subject Land/Locality : 97 Deloraine Drive, Warrenup
Proponent : D Godbolt & V Williams
Owner : D Godbolt & V Williams
Reporting Officer(s) : Planning Officer (J Ashton)
Disclosure of Interest : Nil
Previous Reference : Nil
Summary Recommendation : Issue Notice of Planning Scheme Refusal
Bulletin Attachment : Nil
Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received for an outbuilding at 94 Deloraine Drive, Warrenup. A site plan and elevations are attached to the end of this report.
2. The proposal has been referred to Council for consideration, as the proposal is against Policy.

STATUTORY REQUIREMENTS

3. The land is zoned “Special Residential Area Number 12” within Town Planning Scheme No 3.

POLICY IMPLICATIONS

4. The proposal is contrary to the City’s Outbuildings Policy as it exceeds the maximum combined outbuildings floor area of 120m² allowable in a Special Residential zone.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. The purpose of the Outbuildings Policy is to balance the needs of residents for outbuildings with the need to protect the amenity of neighbours and the visual character of the locality from the adverse impacts of large sheds.
8. The applicants have requested a 135m² shed to enable them to store a vintage car, caravan and boat with boat trailer and to also incorporate a domestic workshop.
9. The lot is 4660m² in area, which is consistent with the size of the surrounding lots.
10. The shed will be colorbond with “Classic Cream” walls and a “Blue Ridge” roof. In this locality the Scheme is supportive of walls and roofs with green, brown or red tonings in keeping with the amenity of the area.
11. The proposal complies with the Special Provisions of the zone in other respects.
12. The proponents are planting trees to help screen the shed from neighbours to the rear and south. The shed is 90m from the front boundary and may be screened from the road by a future dwelling.
13. The Council’s Outbuilding Policy states that an application to vary the provisions will not be permitted unless “substantial justification” is provided.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

14. Given the block is currently vacant, the applicants have the opportunity to incorporate a workshop and garaging facilities into the design of a future dwelling or they could consider off-site storage. Both of these options would avoid the need for an oversize shed and provide a more preferable design solution.

RECOMMENDATIONS

THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for Outbuilding at 94 Deloraine Drive, Warrenup for the following reasons:

- i. The proposal does not comply with the City of Albany’s Outbuildings Policy.
- ii. The applicants have failed to provide “substantial justification” that a variation to the policy is merited.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR PAVER**

THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for Outbuilding at 94 Deloraine Drive, Warrenup for the following reasons:

- i. The proposal does not comply with the City of Albany’s Outbuildings Policy.**
- ii. The applicants have failed to provide “substantial justification” that a variation to the policy is merited.**

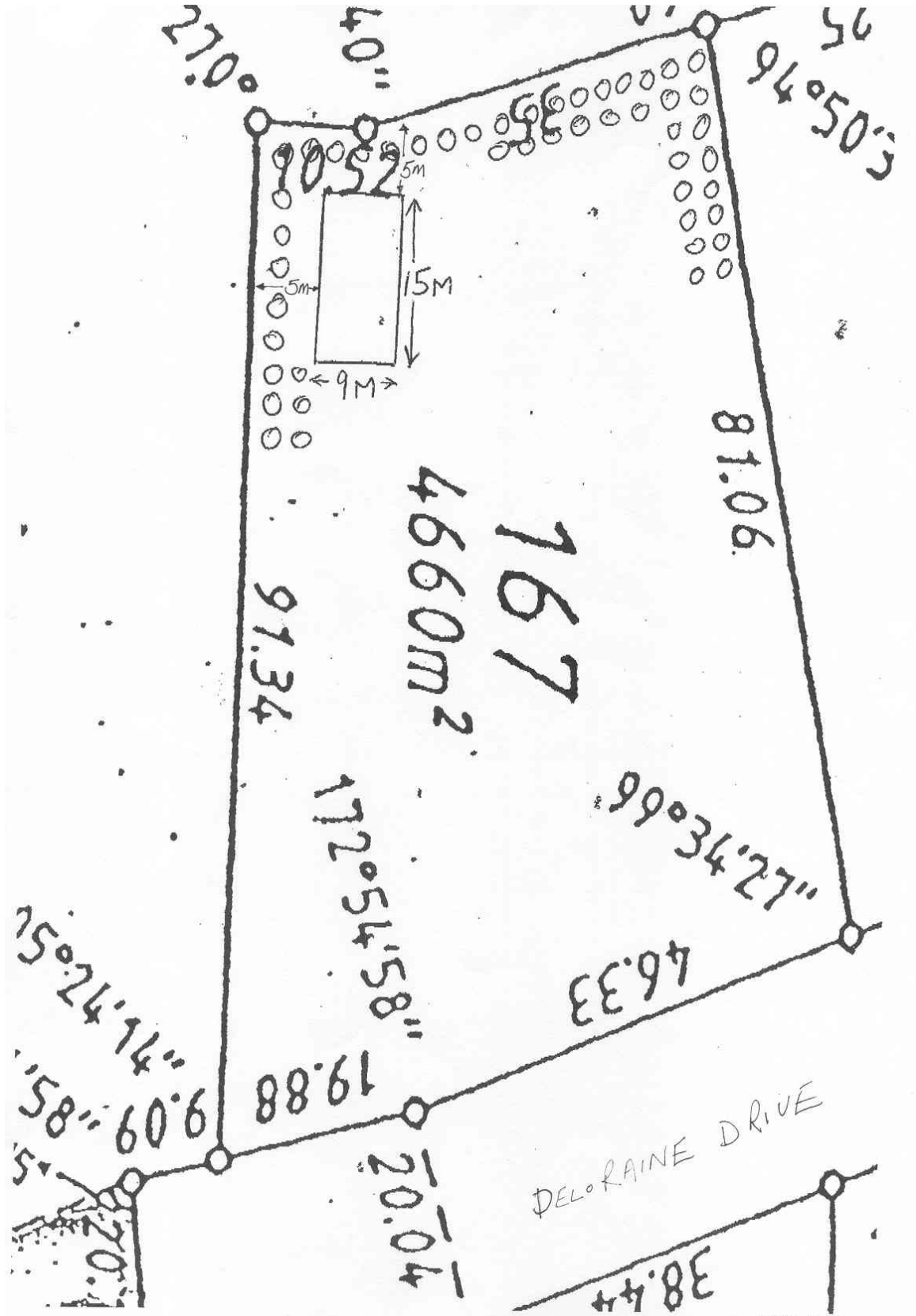
CARRIED 12-2

Record of vote:

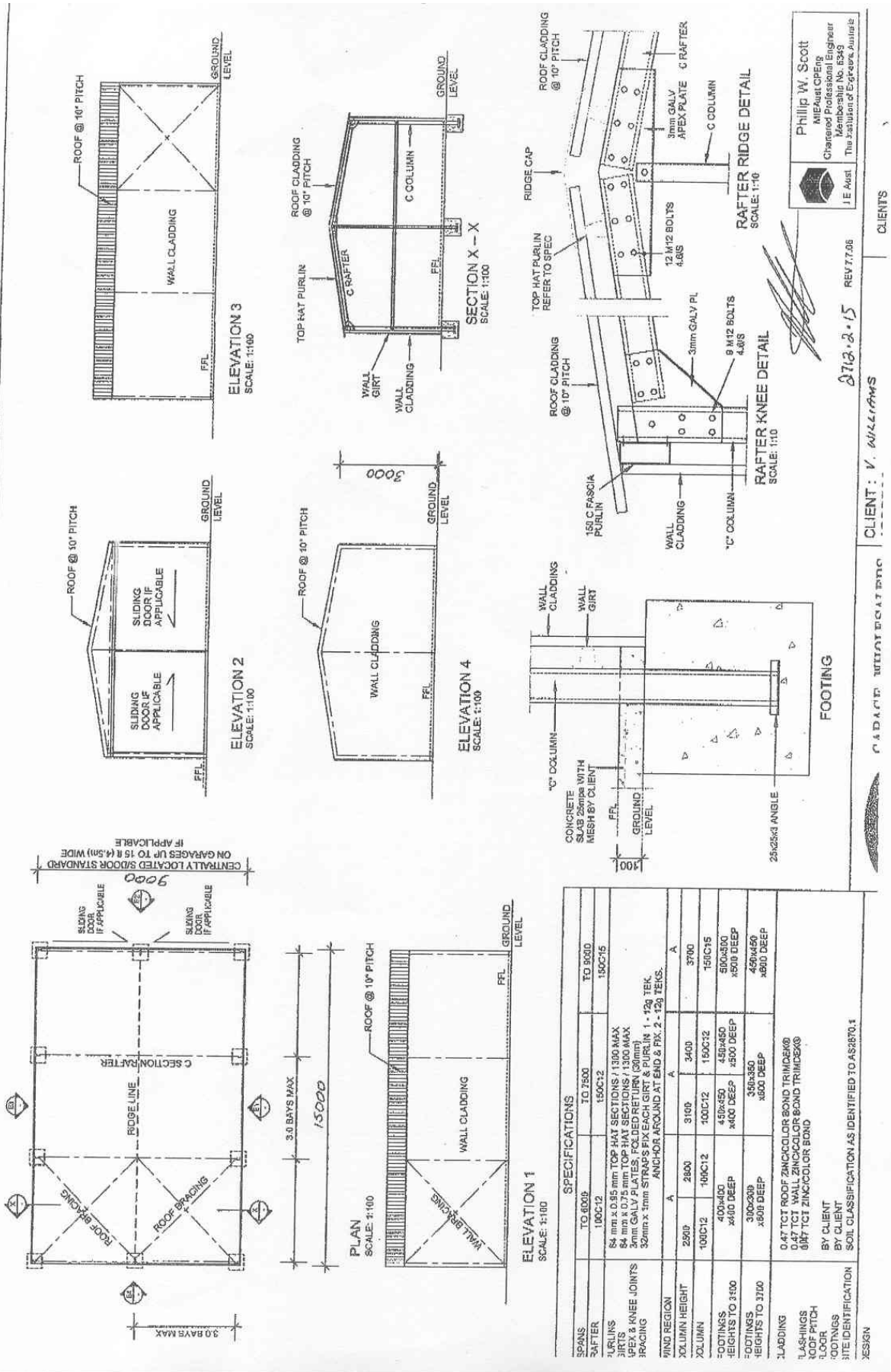
For the motion: Mayor Goode, Councillors Marshall, Paver, Bojcun, Emery, Wellington, Waterman, Williams, Jamieson, Wolfe, Walker and West

Against the motion: Councillors Lionetti and Wiseman

Item 11.1.3 continued



Item 11.1.3 continued



DEVELOPMENT SERVICES REPORTS

11.1.4 Development Application - Light Industry (Textiles and Packaging) - 11 Minna Street, Centennial Park

File/Ward : A090710 (Frederickstown Ward)

Proposal/Issue : Construction of a light industry for textiles and packaging

Subject Land/Locality : 11 Minna Street, Centennial Park

Proponent : Concept Building Design

Owner : Activ Foundation

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

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Approve, subject to conditions

Bulletin Attachment : Nil

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. An application has been received for a light industry workshop at 11 Minna Street, Centennial Park, which will be used to provide employment services for people with intellectual disabilities, working on textiles and packaging contracts.
2. Under the City of Albany's Development Services, Development Guidelines for Scheme No 1A, the proposal is to be presented to Council for consideration as the value of the development exceeds \$1.5 million.

STATUTORY REQUIREMENTS

3. The proposal for "Light Industry" within an "Industry" zone, is a permitted use under Town Planning Scheme 1A. The development standards for development in an "Industry" zone are:

ZONES	MINIMUM LOT AREA (sq. metres)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAX PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CARPARKING SPACES	MINIMUM LANDSCAPING (% of site)
				FRONT (metres)	REAR (metres)	SIDES (metres)		
INDUSTRY	1000	20	0.5	9.0	7.5 where boundary abuts any Residential Zone	5 on one side	1 per 100m ² gross floor area or display area	20

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:*Albany will be Western Australia's premier Learning City, through...*

- *Recognition of education, research and training as an economic development driver;*
- *A collaborative education, research and training environment that allows seamless pathways to professional and workplace skills.*

Mission Statement:*At all times we will...*

- *Value and develop our people; and*
- *Seek Innovative approaches.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

Priority Projects:

Nil

COMMENT/DISCUSSION

7. This application conforms to all the development standards, as set out under the Town Planning Scheme, apart from the landscaping, which is below the required 20% stated in the Town Planning Scheme. However, as stated under the scheme, this can be relaxed (to a minimum of 10%) if the landscaping is used effectively. The landscaping appears acceptable and is to be located predominately within public areas and along property boundaries.
8. The building is to be located to the rear of an existing partly developed lot, and will not be readily visible. Sufficient car parking bays have been provided, and in total should be more than adequate for all development (including existing uses) on the lot. The proposal has a construction cost of \$1.85 million, and therefore cannot be approved under officer's delegated powers.

RECOMMENDATION

THAT Council resolves to instruct the delegated officer to issue a conditional Planning Scheme Consent for the development of a Light Industry at 11 Minna Street, Centennial Park.

Voting Requirement Simple Majority

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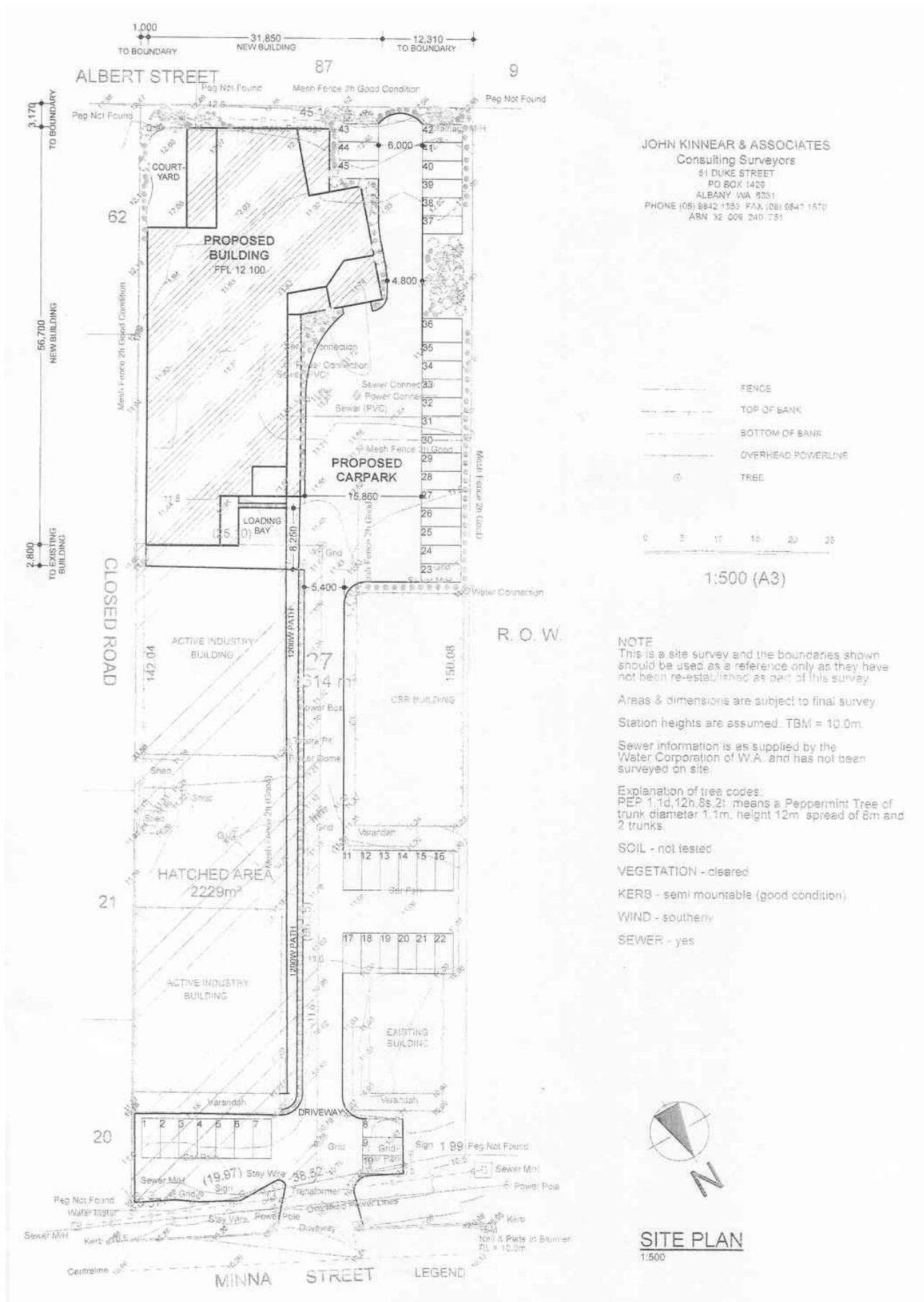
**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BOJCUN**

THAT Council resolves to instruct the delegated officer to issue a conditional Planning Scheme Consent for the development of a Light Industry at 11 Minna Street, Centennial Park.

CARRIED 14-0

ORDINARY COUNCIL MEETING MINUTES – 20/03/07
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



DEVELOPMENT SERVICES REPORTS

11.1.5 Development Application - Change of Use - Bulky Goods Outlet - 160 Chester Pass Road, Lange

File/Ward : A193744 (Yakamia)

Proposal/Issue : Change of use of shop (supermarket) to Bulky Goods Outlet, Wholesale food outlet, garden centre and office

Subject Land/Locality : Lot 1007 (160) Chester Pass Road, Lange

Proponent : K Bevilaqua

Owner : King Open Pty Ltd

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

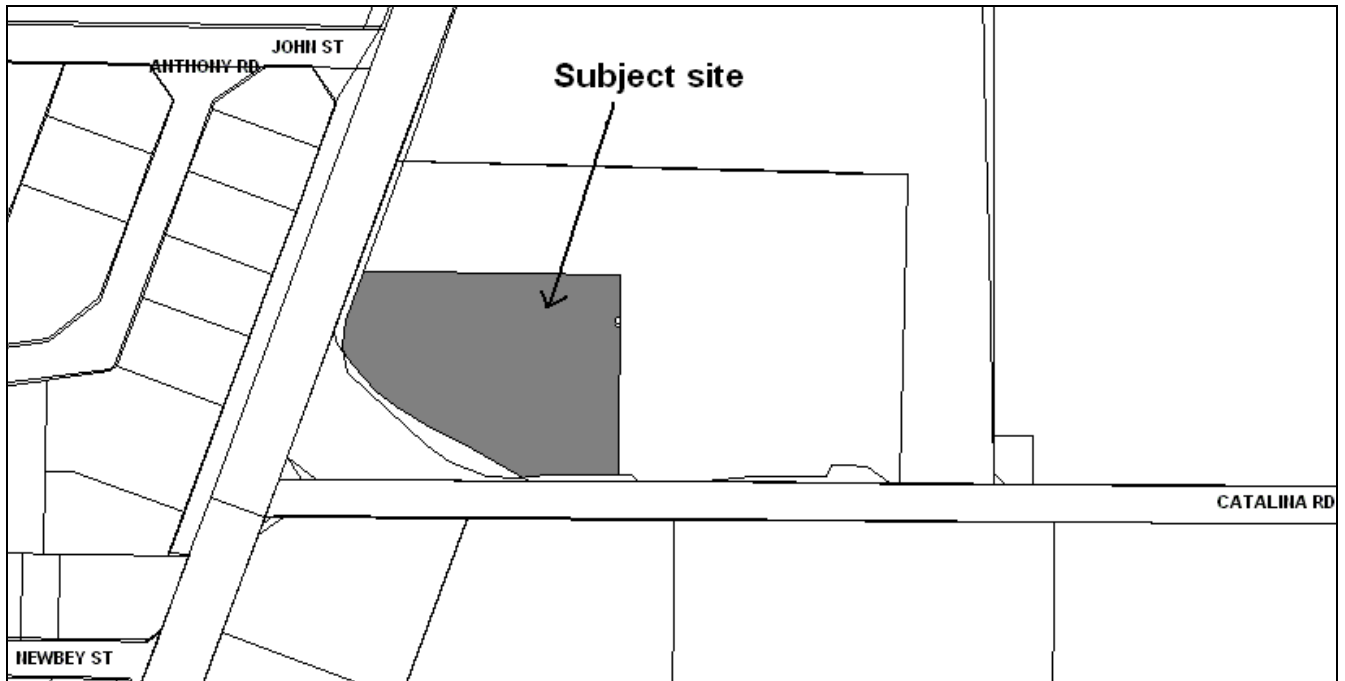
Disclosure of Interest : Nil

Previous Reference : P235206

Summary Recommendation : Approve, subject to conditions

Bulletin Attachment : Nil

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. An application has been received for the conversion of the former “Farm Fresh” supermarket into predominantly “Bulky Goods” with two Wholesale food outlets, a garden centre and two offices. The intention is to re-use as much of the existing building as possible, including the car-parking and landscaping areas. A site plan is attached to the end of the report.
2. The proposed use had been granted consent (P235206) on the same site, in November 2003, under the main new supermarket and Neighbourhood centre application. Details of the floor area breakdown for the bulky goods element were not included within this application, although at this time there was no other “bulky goods” premises approved in the whole Catalina/Brooks Garden site. The whole “bulky goods” allowance for the site was available under the Catalina Central Planning Framework.

STATUTORY REQUIREMENTS

3. Under the City of Albany’s Town Planning Scheme No.3 (TPS 3) the use “Bulky Goods” is a Permitted use in a “Mixed Business” zone, in which the site is located.
4. Section 3.1.20 of TPS 3 (Mixed Business) defines the propose of the zone as:

“To provide for a wide range of light and service industry, wholesale sales, showrooms, trade and professional services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, either the central area, local shopping or industrial zones.

To ensure that the form of development in this area is robust, enabling future adaptation and re-use, and presents an attractive street facade that will enhance the visual amenity of surrounding areas.”

5. Section 5.22 of TPS 3, sets out provisions to apply generally to all land included in the Mixed Business Zone:
 - *No person shall carry out any development within the Mixed Business Zone unless such development is in accordance with a Precinct Plan which has first been adopted by Council.*
 - *A Precinct Plan may be prepared by the Council, or by any other person who may then submit the Precinct Plan to the Council for its approval and adoption.*
 - *“Office” developments are to be permitted only as a use incidental to the predominant land use on a site and are not to occupy an area exceeding 200m².*
 - *Development of a Discount Department Store is not permissible.*

This section then goes on to more specific provisions to apply to the land identified as the Catalina Central Mixed Business Zone:

- *Preparation of a Stormwater Management Plan, to the satisfaction of Council, will be required prior to development (including subdivision).*
- *No direct access to Chester Pass Road will be permitted from any lot.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

- *No development is to be undertaken within the Catalina Central Mixed Business zone without arrangements being made to the satisfaction of the City of Albany and Main Roads Western Australia for the creation and construction of the re-aligned Catalina Road as indicated on the scheme map. A minimum separation distance of 170 metres is to be achieved between Newby Street and the re-aligned Catalina Road.*
 - *The cost of all road works (including land requirements) associated with access to the site, including the realignment of Catalina Road and the provision of deceleration lanes on Chester Pass Road, is to be met by the developer.*
 - *All development is to be in accordance with a structure plan adopted by Council.*
6. All of these provisions have to be addressed to some degree within the Catalina Central Planning Framework, which is discussed under the Policy Implications section of this report.

POLICY IMPLICATIONS

7. The whole site is subject to the Catalina Central Planning Framework (CCPF), which was adopted by Council in 2005 following several revisions/modifications. This structure plan was a requirement of TPS3, and divides the site into Precincts, of which this site falls under Precinct 1. The CCPF for Precinct 1 sets out not only design and location parameters, but also maximum floor areas for several uses, including “bulky goods” and “office”. The CCPF sets out a maximum floor of:
- *5,000 sqm of retail floor space within the Neighbourhood Centre (new Woolworth’s building)*
 - *6,500 sqm NLA of bulky goods/showroom floor space*
 - *500 sqm NLA of office*
 - *1800 sqm NLA warehouse/warehouse sales outlet floor space*
 - *1200 sqm Medical Centre*
8. The CCPF also states that the following proposed uses would be acceptable, but does not specify a maximum floor space for them:
- *Service Station*
 - *Group Dwellings*
 - *Food Wholesaling*
 - *Garden Centre*
9. The carparking standards for the uses within the Precinct are:

CATALINA CENTRAL FLOORSPACE – PRECINCT 1	CAR PARKING REQUIREMENT
5000m ² Neighbourhood Centre	1 bay per 20m ² floorspace
500m ² office within Neighbourhood Centre	1 bay per 40m ² floorspace
1200m ² medical centre	5 bays for staff plus one bay per 30m ² floorspace
6500m ² bulky goods/showroom	1 bay per 45m ² floorspace

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

10. With regard to landscaping this precinct, the CCPF states that:

“It is envisaged that the site will ‘read’ as a landscaped parkland from Chester Pass Road. The key mechanism to achieving this outcome is to conceal the car park behind a landscaped bund/raised garden beds. The verge treatment, together with tree planting throughout the car park will achieve the overall vision for the site. This will create a welcome internal atmosphere not only for the visitors to the site but also those entering the City from the north.

The landscaping will be constructed on the proponent’s land based on the staging of the development and maintained for the life of the project. The landowners will enter into the necessary agreements with Council to ensure appropriate management of the landscaped environment.”

11. With regard to the overall design of the proposal, a separate section within the CCPF, (5.0 Design Guidelines) sets out specific provisions and rationale. However, this is predominantly aimed towards new construction, in particular the Neighbourhood Centre, so only some elements apply to the current development, such as car parking, vehicular access, colours, landscaping and signage. These generally reflect the comments above, and are addressed specifically in the Comment/Discussion section.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*

Priority Projects:

Nil

COMMENT/DISCUSSION

14. This application created the last part of the retail element for the Catalina/Brooks Garden development. The conversion of the floor space has been granted consent previously to some degree, and is a permitted use both under TPS3 and the CCPF. All that Council needs to consider is the floor space allowance/distribution and the design details.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

15. The development proposes the following:
 - 3138 m² of Bulky Goods
 - 272 m² of Office
 - 752 m² of Food Wholesale
 - 2289 m² Garden Centre.
16. Taking into account the construction of the Harvey Norman building since the previous approval, the floor space allocated for Bulky Goods is just acceptable and uses all of the available allowance left. The other uses are acceptable, mainly because either no maximum floor area allowance exists, or in the case of offices, would use just over half of the site allowance. If part of the building was to be converted to “office” it would limit office uses in the main neighbourhood/new Woolworth’s building.
17. The total car parking numbers provided for the development is 117, which if the Food Wholesaling and Garden Centre are calculated at 1 per 45 m² (as for Bulky Goods) as no specific guidelines are given, is 35 bays short of a total of 152 bays required. However, on the whole site, there is an over provision of 200 bays according to the previously submitted revised plans.
18. The landscaping details submitted with the application is minimal, and if approved a condition requesting detailed landscaping plans would be required before a building licence can be issued. This should also include details of the earth bund and planting along Chester Pass Road, and a statement as to the landscaping plans compliance with the relevant sections of the CCPF.
19. A schedule of external finishes will also be required if approved, to ensure compliance with both the “Wall Materials and Colour” section and Windows, Opening and Façade Treatment’s section of the CCPF.
20. The vehicular access appears to be in accordance with the CCPF guidelines and should be acceptable in relation to vehicular movement’s internal to the site. The City’s Works and Services team has made several recommendations, including the closure of the access onto Chester Pass Road, and stormwater requirements, which can be controlled by planning conditions, if approved.
21. The level of signage detail provided is inadequate to make an informed decision and would require further details as to definitive sizes and method of fixing/mounting to the building. The number of signs does not appear excessive and the proposed roof signs seem acceptable.
22. In conclusion, the development is acceptable and, notwithstanding the lack of landscaping, external finish and signage details, complies to both TPS 3 and CCPF. Revised plans will be required, as will detailed engineering information.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

RECOMMENDATION

THAT Council delegate authority to the Executive Director of Development Services to issue a Planning Scheme Consent for a change of use of Shop (supermarket) to Bulky Goods Outlet, Wholesale Food Outlet, Garden Centre and Office at 160 Chester Pass Road, Lange subject to the satisfactory receipt of acceptable revised plans, and subject but not limited to the following conditions:

1. The existing access onto Chester Pass Road shall be closed and the kerb, footpath and the verge reinstated, prior to the issuing of a building licence.
2. 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. All land indicated as landscaped area on the above landscaping plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping 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.
3. There shall be a minimum of 900mm of fill added above the existing ground level abutting Chester Pass Road, and landscaping of that fill shall be undertaken as shown in the landscape plan referred to in condition 2 above.
4. A schedule indicating design, colour and materials of the proposed development are to be submitted and approved in writing by the Council prior to the issue of a building licence.
5. 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. The stormwater disposal system being designed and certified by a practicing civil engineer.
6. A detailed plan of all proposed signs for the development being submitted and approved by Council prior to the issue of a building licence.
7. The areas shown as T5 Tenancy (proposed wholesale butcher/fish monger) and T6 Tenancy (proposed wholesale fruit and vegetables) is to be used in accordance with the definition of "Food Wholesaling" under the City of Albany's Town Planning Scheme No. 3, which is defined as:

Food Wholesaling (A147) - means the sale of edible products in bulk or otherwise than to the ultimate consumer.

Voting Requirement Absolute Majority

.....

Item 11.1.5 continued

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR MARSHALL**

THAT Council delegate authority to the Executive Director of Development Services to issue a Planning Scheme Consent for a change of use of Shop (supermarket) to Bulky Goods Outlet, Wholesale Food Outlet, Garden Centre and Office at 160 Chester Pass Road, Lange subject to the satisfactory receipt of acceptable revised plans, and subject but not limited to the following conditions:

- 1. The existing access onto Chester Pass Road shall be closed and the kerb, footpath and the verge reinstated, prior to the issuing of a building licence.**
- 2. 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. All land indicated as landscaped area on the above landscaping plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping 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.**
- 3. There shall be a minimum of 900mm of fill added above the existing ground level abutting Chester Pass Road, and landscaping of that fill shall be undertaken as shown in the landscape plan referred to in condition 2 above.**
- 4. A schedule indicating design, colour and materials of the proposed development are to be submitted and approved in writing by the Council prior to the issue of a building licence.**
- 5. 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. The stormwater disposal system being designed and certified by a practicing civil engineer.**
- 6. A detailed plan of all proposed signs for the development being submitted and approved by Council prior to the issue of a building licence.**
- 7. The areas shown as T5 Tenancy (proposed wholesale butcher/fish monger) and T6 Tenancy (proposed wholesale fruit and vegetables) is to be used in accordance with the definition of “Food Wholesaling” under the City of Albany’s Town Planning Scheme No. 3, which is defined as:**

Food Wholesaling (A147) - means the sale of edible products in bulk or otherwise than to the ultimate consumer.

**CARRIED 13-1
ABSOLUTE MAJORITY**

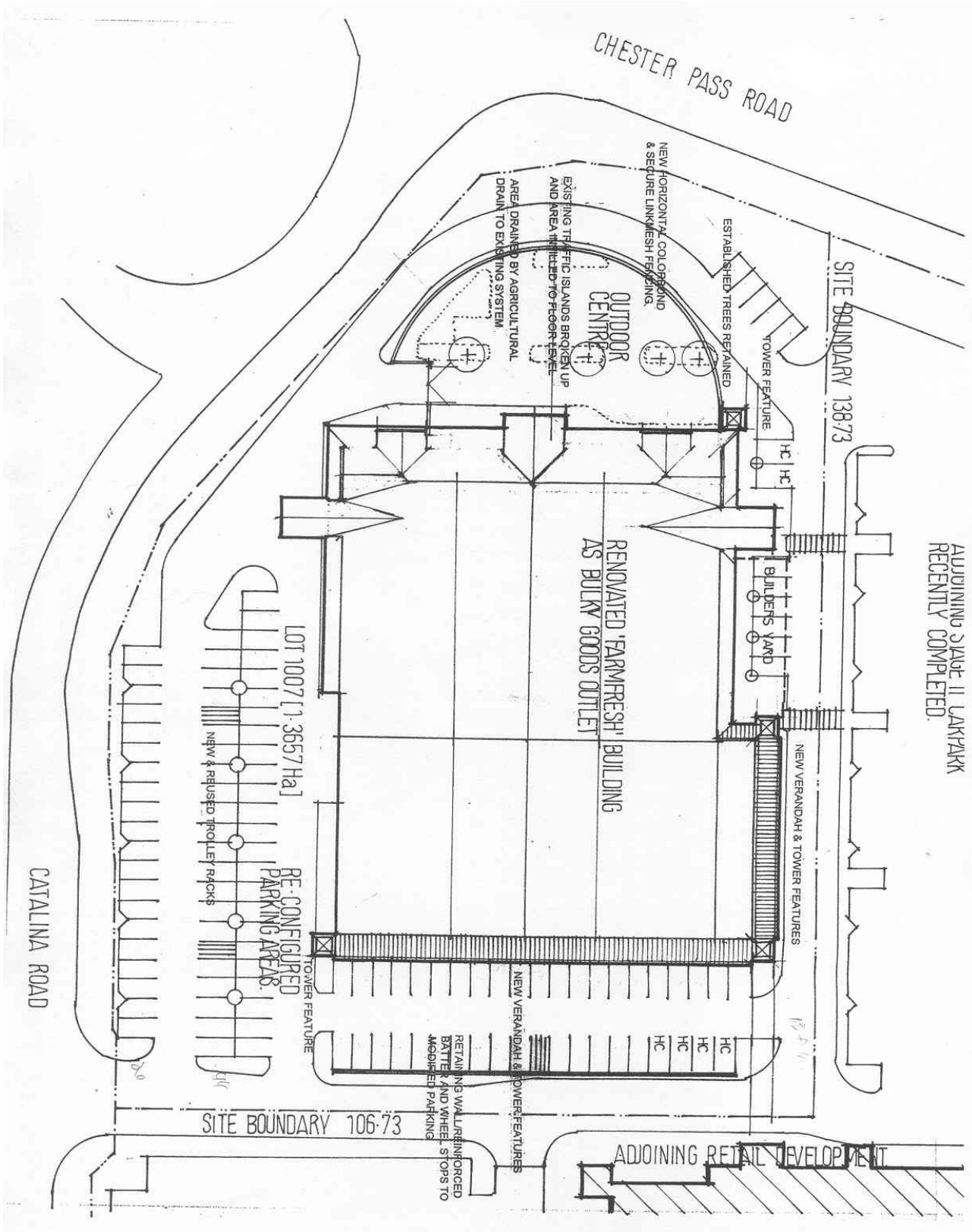
Record of Vote:

For the motion: Mayor Goode, Councillors Marshall, Paver, Bojcun, Emery, Wellington, Williams, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman

Against the motion: Councillor Waterman

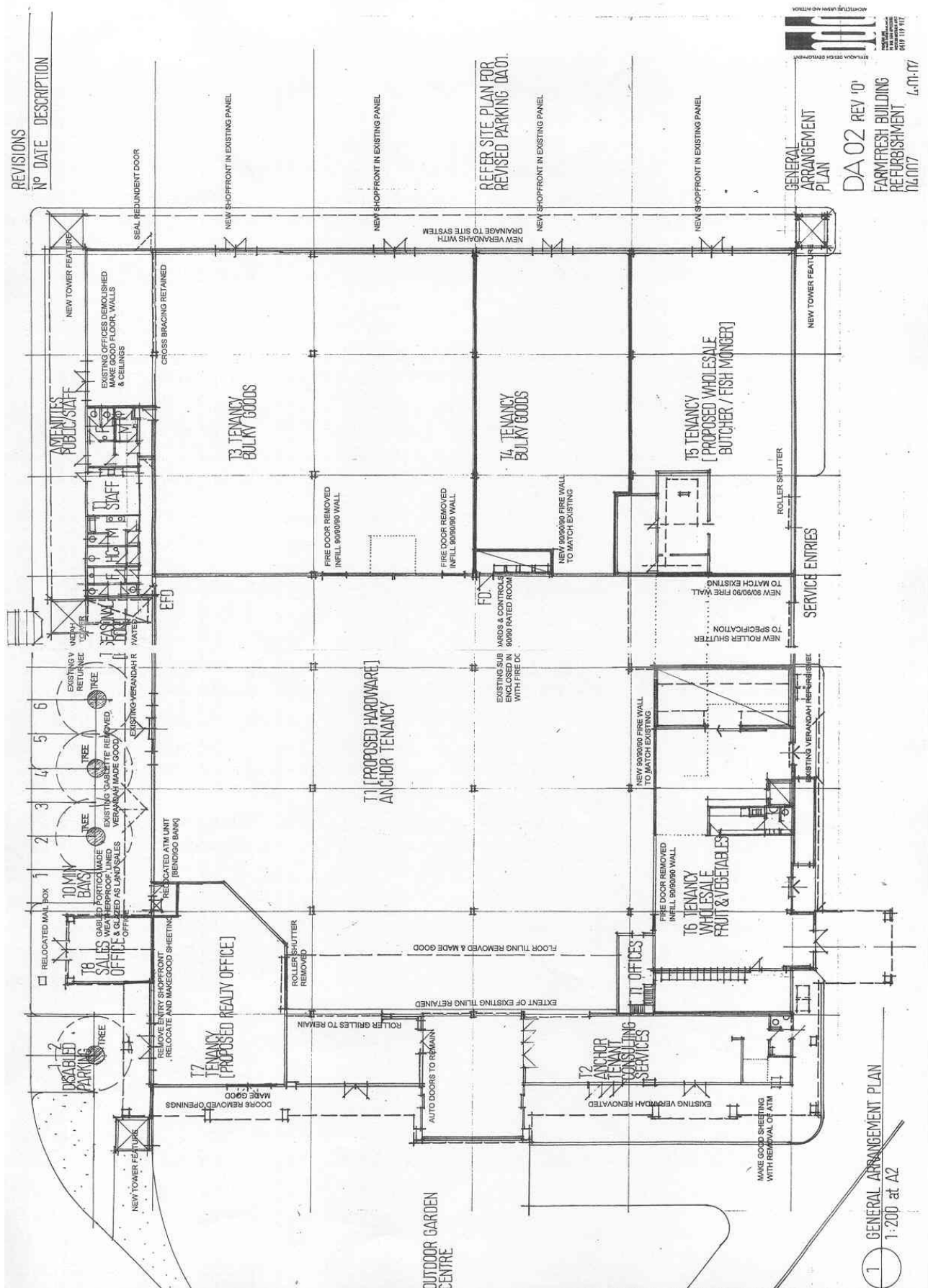
ORDINARY COUNCIL MEETING MINUTES – 20/03/07
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

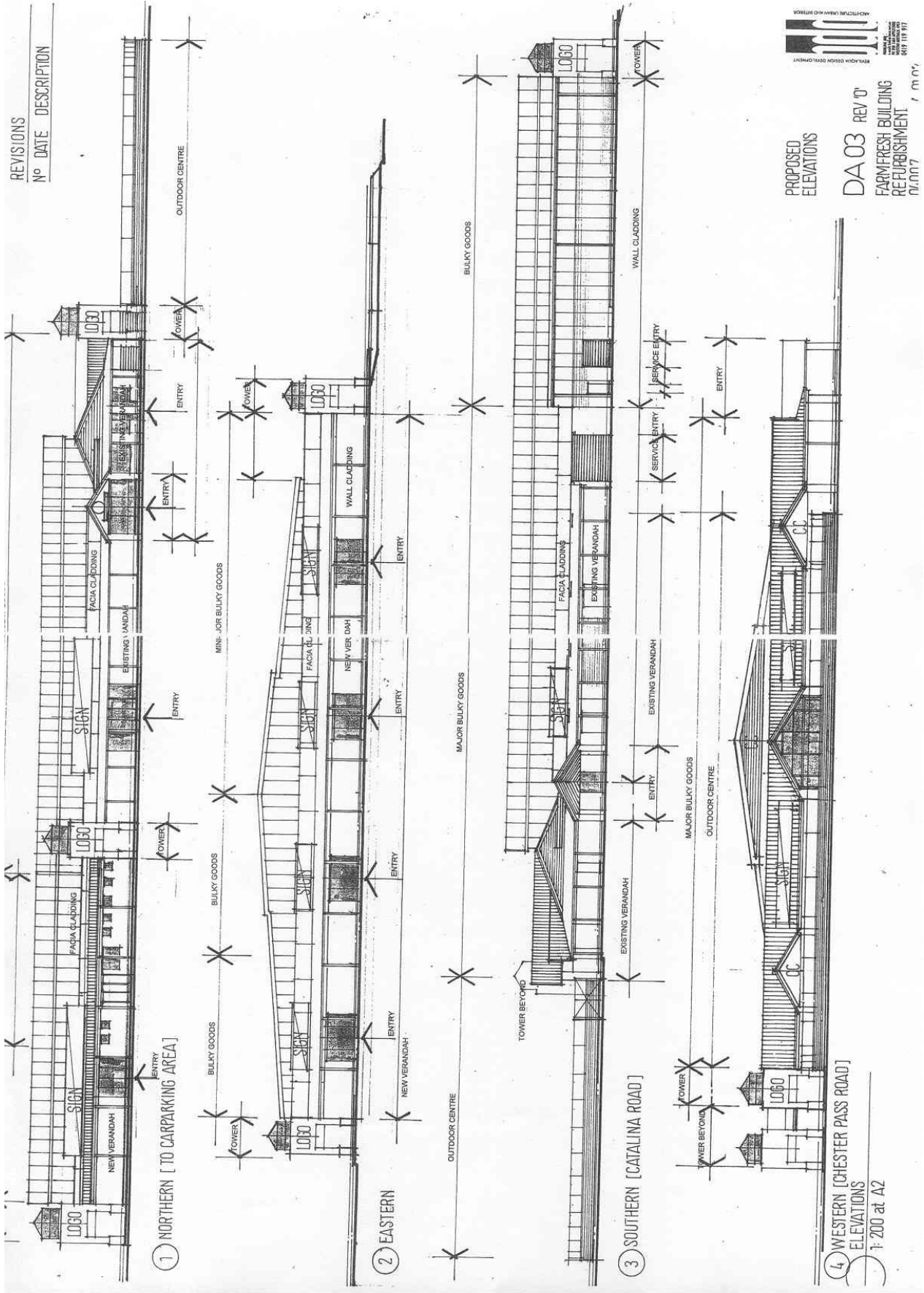


DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued



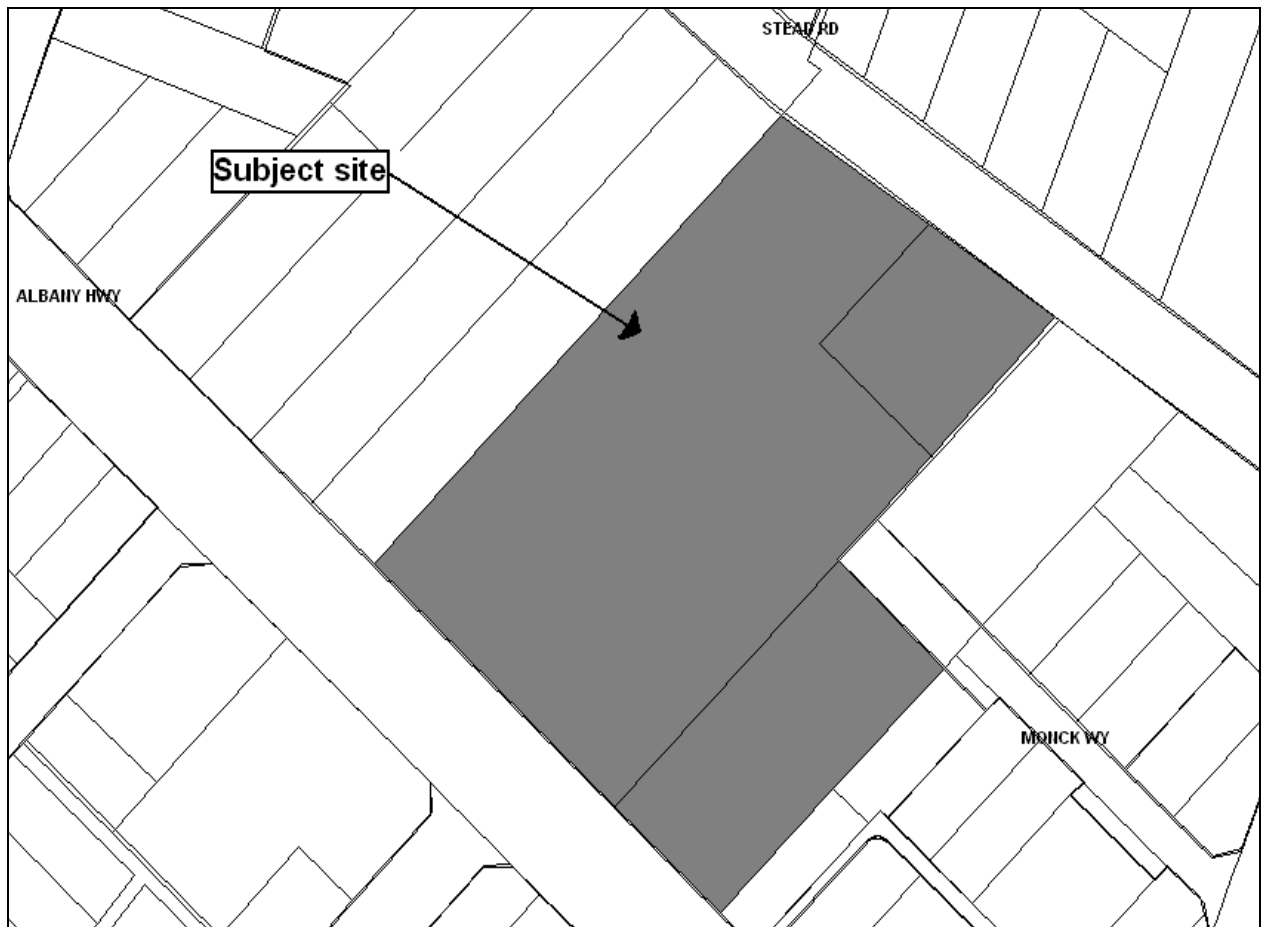
Item 11.1.5 continued



DEVELOPMENT SERVICES REPORTS

11.1.6 Development Application - Bulky Goods Outlet - 160-166 Albany Highway, Centennial Park

File/Ward : A131108 (Frederickstown)
Proposal/Issue : Bulky Goods Outlet and Warehouses
Subject Land/Locality : 160-166 Albany Highway, Centennial Park
Proponent : Oldfield Knott Architects Pty Ltd
Owner : Primewest (Stead Rd, Albany) Pty Ltd
Reporting Officer(s) : Planning Officer (I Humphrey)
Disclosure of Interest : Nil
Previous Reference : Nil
Summary Recommendation : Approve, subject to conditions
Bulletin Attachment : Elevations and site plan
Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

BACKGROUND

1. An application has been received for the redevelopment of the old Barnesby Ford Site, to Bulky Goods and Warehousing. The intention is to demolish all the existing structures and clear the lot. A site plan and elevations are included in the Elected Members Report / Information Bulletin.
2. The proposal will create over 10,500m² of floor area over a total site area of nearly 2.0ha. The main access is from Albany Highway to the Bulky Goods element, and to the Warehousing is from Stead Road. The development proposes three separate buildings, with single storey buildings on the upper (Albany Highway) frontage and a split-level type building to the rear of the site, the lower level of which fronts onto Stead Road. There is to be no vehicular connection between the two levels or between Albany Highway and Stead Road.
3. The buildings range in height from 7.0m to 10.0m (Albany Highway road level) to 16.5m (Stead Road street level) with a maximum height of 19.0m to the top of the rear building’s entry statement, when measured from the Stead Road pavement.
4. Under the City of Albany’s Development Services, Development Guidelines for Scheme No 1A, the proposal is to be presented to Council for consideration as the value of the development exceeds \$1.5 million.

STATUTORY REQUIREMENTS

5. Under the City’s of Albany Town Planning Scheme No 1A the land uses “Bulky Goods” and “Warehouse” are a “P” use with the “Other Commercial” zone in which this proposal is located. The Scheme states that the use is permitted, where the application is compliant with the provisions of the Scheme.
6. The development standards for the zone are:

ZONE	MINIMUM LOT AREA (sq. metres)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAXIMUM PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CARPARKING SPACES	MINIMUM LANDSCAPING (% of site)
				FRONT (metres)	REAR (metres)	SIDES (metres)		
OTHER COMMERCIAL	1000	20	0.5	9.0	7.5 where boundary abuts any Residential Zone	5 on one side	1 per 100m ² gross floor area or display area - minimum of 3	20

POLICY IMPLICATIONS

7. The site does fall within the “Central Albany Urban Design Policy” (April 2006) area, however the site is located within the Residential Policy Precinct of that policy, and the policy does not provide any specific guidance for commercial developments.
8. Included in the Elected Members Report / Information Bulletin is a copy of sections 2.0, 4.0, 11.0 and 12.0 of the policy.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The draft Albany Retail Strategy document analysed the retail floorspace within the City and concluded that there is an *“over supply of non-food retail floorspace in the study area at the present time”*. That strategy went on to say that *“the “over supply” does not necessarily mean that that additional non-food retail floorspace should not be provided in Albany. What it does mean is that when additional non-food retail floorspace is developed, that it will most likely be occupied by existing businesses relocating, rather than by catering for the demands of new businesses. When this occurs, retail competition will be increased and some of the lower turnover businesses are likely to be vulnerable. This could cause some business closures, and a subsequent increase in the amount of vacant floorspace. For the foreseeable future, creation of additional non-food retail floorspace is likely to keep downward pressure on the rentals of older less well located floorspace, as well as producing permanent vacancies in the worst of the floorspace.”*

COMMENT/DISCUSSION

11. This application seeks to redevelop the previous Barnesby Ford site and the adjoining lots to the north east and south east, with a split level design providing all bulky goods outlets on the Albany Highway level, and the rear building (shown as building B on the submitted plans) being two storey with Warehousing on the lower ground floor, accessed off Stead Road.

Landscaping:

12. The landscaping element is below the required 20% as stated in the Town Planning Scheme, however as stated under the scheme, this can be relaxed (to a minimum of 10%) if the landscaping is used effectively. The landscaping areas, although not detailed at this stage, appear acceptable and are to be located predominately within street setbacks, and could be controlled through planning conditions.

Traffic Movements:

13. The car parking bay numbers are acceptable at 196, and well exceed the 1 bay to 100sqm of floor area, as required under the Town Planning Scheme, and are sized to comply with the Australian Standards. Access to the site from Albany Highway is to be provided by modified crossovers and they are acceptable to City staff, although the verge will not be wide enough to accommodate the proposed slip lane. The service vehicular movements around the Bulky Goods' level have also been negotiated with the City's Works and Services staff, and includes a separate delivery area to the side and rear of the buildings.
14. The access from Stead Road to the warehousing element will require two crossovers, and involve a one way system around the rear of the building, which will be suitable for access by articulated delivery trucks, thus allowing loading and unloading within the site, with trucks entering and leaving the site in a forward gear.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

15. There is to be no vehicular access onto Monck Way, with the only link being pedestrian in the form of stairs from the Bulky Goods level. The applicant has suggested that the developer may consider the construction of a turning area within the landscaping area adjacent to Monck Road, as the Council road reserve is not wide enough to accommodate a turning bulb.
16. Pursuant to clause 4.9 of the Scheme Council must also approve the access from the site to Albany Highway. The number of access points is to be reduced, but the width of the access is to be increased.
- Built Form:
17. A principle in the Central Albany Urban Design Policy is to *“promote developments which respond to the scale and articulation of existing streets and which enhance the public domain”*. This principle is supported by objectives which call for *“a complex fine grained mix of land uses to provide diversity and choice”* and *“concentrate activity along the primary movement routes”*. As detailed earlier, the subject site falls within the Residential component of the Central Area Policy and part 9.0 of that policy deals almost exclusively with residential buildings. Clause 12.3 allows relaxations of the policy where Council *“is of the opinion that the proposed development fulfils the objectives of the policy, and does not adversely affect the amenity of the area”*.
18. The proposal is to be built to the lot boundaries at various points. Due to the upper portion of the development being continued at the same level through the site (from Albany Highway to the two storey building at the rear), it has resulted in retaining walls and buildings on the boundary. A zero setback is generally acceptable within the Other Commercial Zone on at least one side boundary, however at its highest (on the north east elevation), the parapet wall is 14.0m in height and this section runs for 26.0m along the boundary, not dissimilar to the western wall of the Albany Plaza. It is adjacent to an existing single storey industrial building. The visual effect of this could be lessened by relocating the south eastern boundary wall of the 1st floor of Tenancy B2 back in line with the lower ground building wall, thus offsetting the bulk and appearance on the boundary. This would result in a similar elevation to that shown as the northern elevation on the submitted plans, but would result in the developer losing approximately 270m² of floor space.
19. The proposal seeks to increase the plot ratio of 0.5 as set out under the Town Planning Scheme to 0.549. Whilst this equates to less than a 10% increase, which on the scale of this development is fairly insignificant, the additional floorspace has resulted in the built form moving onto the property boundaries and produced large parapet walls. If the recommendation in the previous paragraph is acceptable, the development should be able to conform to the Scheme’s plot ratio standards.
20. The main issue regarding this application is the overall height. When viewed from Stead Road the top of the Bulky Goods level entrance statement is the highest point at 19.0m above street level, with the building parapet fronting that street being 17.0m (building 2) above street level. The actual wall height of the Stead Road elevation ranges between 12.0m and 14.5m, (this is broken up into several sections) and the building is to be set back at least 24.0m from the Stead Road boundary extending to 32.0m at the north east corner.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

21. To put this into context:
- Stead Road's ground level is 25.0m AHD and the development will be approximately 44.0m AHD at its highest point (entry statement) and 42.0m AHD at maximum building height.
 - The Trailblazers building has a natural ground level of approximately 35.0m AHD and the ridge of that building is at a height of 44.0m AHD.
 - At the rear of Target, Moir Street has a road level of 26.0m AHD and the top of the building is at a height of 38.0m AHD.
 - The applicant has reduced the floor level of the "Bulky Goods" level, following pre-application discussions, and it will be lower than the former Barnesby Ford showroom building.
22. From Albany Highway, the buildings will appear as a single storey development, with the buildings closest to the road averaging approximately 7.0m in height, the single building at the rear averaging 10.0m in height and with entry statements projecting approximately 2.5m above the main roof line.
- Signage:
23. The signage included within the application appears excessive, and would easily be the largest approved within the City of Albany. Therefore after negotiations with the applicant it has been agreed that the signage be either removed from this application or be subject to revised plans that are more in line with the Councils Signage Policy.
- Approval Process:
24. The capacity of the City to correct the issue of over supply of floor area for "Bulky Goods" within the City of Albany is difficult one to address, and to do so through this application. The proposed use within the "Other Commercial" zone is "permitted", and therefore Council can only address those parts of the application where it may be non-compliant with the Scheme; the use of the site for a Bulky Goods development is not up for debate. There is an argument that, in granting previous approvals to Bulky Goods developments on sites where the land use is a discretionary activity, the Council has allowed an oversupply of floorspace to occur and the additional floorspace is now competing against new developments on suitably zoned land. The counter argument is that a lot of the former floorspace was inappropriate to business needs and the addition of new buildings into the market is encouraging landlords to review rentals and the product they provide.
25. In conclusion, it is the opinion of City staff that the development is acceptable on the site and, with the removal of the bulky goods level entrance statement, revised signage and possible amendment to the side boundary wall, whilst the building will be prominent when viewed from the north, it will be visually acceptable. Revised plans will be required, as will detailed engineering conditions, prior to any approvals being granted.
26. The lots would also need to be amalgamated before a building license can be issued under the BCA.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

RECOMMENDATION

THAT Council supports the issuing of a Planning Scheme Consent for a “Bulky Goods Outlet and Warehouse” at 160-166 Albany Highway, Centennial Park subject to acceptable revised plans being received and subject to, but not limited to, the following conditions being addressed in the revised plans or through conditions of approval:

- i) The satisfactory receipt of revised building plans and elevations showing;
 - a. a setback of the south-eastern boundary wall of the 1st floor of Tenancy B2 back in line with the lower ground building wall.
 - b. Compliance with the plot ratio for the zone.
- ii) The new crossovers being constructed to Council’s specifications, levels and satisfaction in accordance with drawing nos. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve. Any existing crossover(s) not included as part of the proposed development on the approved plan is to be closed and the kerb, footpath and the verge reinstated.
- iii) 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. All land indicated as landscaped area on the above landscaping plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping 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.
- iv) A schedule indicating design, colour and materials of the proposed development are to be submitted and approved in writing by the Council prior to the issue of a building licence.
- v) 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. The stormwater disposal system being designed and certified by a practicing civil engineer.
- vi) The loading and unloading of goods 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.
- vii) A detailed plan of all proposed signs for the development being submitted and approved by Council prior to the issue of a building licence.

Voting Requirement Simple Majority

.....

THAT Council, pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, issue delegated authority to the Manager Planning and Ranger Services to issue a Notice of Planning Scheme Consent for the development of a “Bulky Goods Outlet and Warehouse” at 160-166 Albany Highway, Centennial Park.

Voting Requirement Absolute Majority

.....

Item 11.1.6 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR LIONETTI**

THAT Council supports the issuing of a Planning Scheme Consent for a “Bulky Goods Outlet and Warehouse” at 160-166 Albany Highway, Centennial Park subject to acceptable revised plans being received and subject to, but not limited to, the following conditions being addressed in the revised plans or through conditions of approval:

- i) The satisfactory receipt of revised building plans and elevations showing;
 - a. a setback of the south-eastern boundary wall of the 1st floor of Tenancy B2 back in line with the lower ground building wall.**
 - b. Compliance with the plot ratio for the zone.****
- ii) The new crossovers being constructed to Council’s specifications, levels and satisfaction in accordance with drawing nos. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve. Any existing crossover(s) not included as part of the proposed development on the approved plan is to be closed and the kerb, footpath and the verge reinstated.**
- iii) 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. All land indicated as landscaped area on the above landscaping plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping 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.**
- iv) A schedule indicating design, colour and materials of the proposed development are to be submitted and approved in writing by the Council prior to the issue of a building licence.**
- v) 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. The stormwater disposal system being designed and certified by a practicing civil engineer.**
- vi) The loading and unloading of goods 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.**
- vii) A detailed plan of all proposed signs for the development being submitted and approved by Council prior to the issue of a building licence.**

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT Council, pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, issue delegated authority to the Manager Planning and Ranger Services to issue a Notice of Planning Scheme Consent for the development of a “Bulky Goods Outlet and Warehouse” at 160-166 Albany Highway, Centennial Park.

**CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.1.7 Removal of Pine Trees - Pines Estate, South Coast Highway, McKail

- File/Ward** : A169596, A72251, A72265, A72247 (West Ward)
- Proposal/Issue** : Removal of Pine Trees
- Subject Land/Locality** : Lots 100 to 104 (3 to 15) Endeavour Way, McKail
- Proponent** : J. Gunther, R Greenham, M & M Anning, J Clifton, M Elson
- Owner** : J. Gunther, R Greenham, M & M Anning, J Clifton, M Elson
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Support Request
- Bulletin Attachment** : Request from Landowners
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

BACKGROUND

1. The owners of four properties fronting Endeavour Way, McKail are seeking Council approval to remove the pine trees located at the rear (western side) of their residential properties. The pine trees were originally planted as a commercial venture, however, the owner of the parent lot decided to subdivide his land for Special Residential purposes, the central portion of the plantation was subsequently cleared of pines and a cluster of mature trees was retained along various property boundaries to support the estate name of “The Pines Estate”.
2. The reasons why the landowners are seeking the removal of the trees are outlined in the letter included in the Elected Member’s Report / Information Bulletin. If supported, approximately 110 trees would be removed from the four properties.

STATUTORY REQUIREMENTS

3. The subject lots are located within the Special Residential zone No. 3 (South Coast Highway / Timewell Road) which was created in 1996. Within the Scheme provisions are the following statements;

2. Purpose of the Zone:

The purpose of Special Residential Zone No. 3 is to provide for spacious rural residential living environment with particular attention being given to the visual amenity of the area in terms of the quality of development, the retention of significant vegetation, screening from South Coast Highway and siting and construction of effluent disposal systems to ensure retention of nutrients on-site.

8. Revegetation and Protection of Existing Vegetation:

No clearing of vegetation shall occur except for;

- (i) clearing to comply with the requirements of the Bush Fires Act 1954;*
- (ii) clearing as may reasonably be required to construct an approved building and curtilage;*
- (iii) the clearing of trees that are dead, diseased or dangerous;*
- (iv) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by Council.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. The Pines Estate was identified in the Local Rural Strategy as a rural living area on the outskirts of the City. ALPS acknowledges that this area will be utilised in the short or medium term for residential uses, depending upon residential development rates and the availability of services to the area. The Department of Housing and Works owns the property to the east of the Pines Estate, and the hardwood plantation on that land has recently been harvested in preparation for the land to be subdivided for approximately 400 urban lots.

DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

7. The Timewell Road sewer treatment facility is located 600m north west of the subject lots and the Water Corporation has purchased the land within a 500m radius of that facility, including the land that would have produced a third and fourth stage of the current estate.

COMMENT/DISCUSSION

8. Of the seven lots backing onto South Coast Highway, only two still have retained the pine trees on their properties, the remainder have obtained approval to replace them with alternate vegetation. As shown on the locality plan, the western edge of the estate has a number of rows of pine trees retained on private lots. Those pine trees do not provide a visual screen to the public domain beyond; a more substantial pine plantation and a clump of native vegetation exists on the neighbouring lot to the west.
9. Section 8 of the Special Residential zone provisions prevents the removal of vegetation (given the original lot primarily contained pine trees, the pines are assumed to be the vegetation referred to in the scheme) unless there is one of several pre-conditions, or “unless it is approved by Council”. In regards to the current request, there has been no documentation submitted to prove they are dying or that they are dangerous.
10. Requests for the removal of the pines along the eastern boundary of the zone is also likely to be received in the near future, when conventional residential lots are subdivided on the adjoining property. Management and removal of those trees by their owners will be problematic as the level of development around them increases and the trees reach the end of their growth cycle. Pines are generally nuisance trees for a residential landowner as they increase the soil acidity below the canopy, they deposit pine needles on a regular basis, they grow to substantial heights, they present a major fire hazard when planted in large clumps and they have a limited life.
11. As detailed above, the planning objective for The Pines Estate is to provide for a spacious rural residential living environment, with particular attention being given to the visual amenity of the area in terms of the quality of development, the retention of significant vegetation and screening from South Coast Highway. The removal of the pine trees by the Proponents will not impact upon those objectives, particularly whilst screening vegetation exists on the adjoining property to reduce the impact of that action from the west. When travelling along the road network within the estate, there has been little action by landowners to replant front and side setback areas to reduce the impact of the residential developments; the entire estate is more “residential” in character than it is “rural living”.
12. The long term impact of removing the mature pines will be reduced if they are replaced with suitable shrubs and screening vegetation. The development within the estate will also be better screened if the pines (no lower canopy) are replaced with a combination of trees and shrubs.

DEVELOPMENT SERVICES REPORTS

Item 11.1.7 continued

RECOMMENDATION

THAT, upon the receipt of an Applications for Planning Approval, Council delegates to the Manager of Planning and Ranger Services the authority to remove pine trees from lots within The Pines Estate provided those trees are replaced with suitable screening vegetation to promote the objectives for Special Residential zone No. 3.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WILLIAMS**

THAT, upon the receipt of an Applications for Planning Approval, Council delegates to the Manager of Planning and Ranger Services the authority to remove pine trees from lots within The Pines Estate provided those trees are replaced with suitable screening vegetation to promote the objectives for Special Residential zone No. 3.

**CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.1.8 Development Issue - Over Height Front Fence

File/Ward	:	A99164 (Breaksea Ward)
Proposal/Issue	:	Over Height Front Fence
Subject Land/Locality	:	103 David Street, Spencer Park
Proponent	:	B & S Chapman
Owner	:	Chardeno Developments
Reporting Officer(s)	:	Planning Officer (J Ashton)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council does not support a 1.5m solid colorbond fence with 300mm lattice above on the front boundary
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

BACKGROUND

1. A planning application was received for a solid colorbond front fence at 1.8m high across the front boundary of 103 David Street, Spencer Park. The application was refused for the following reason:

“The proposal does not comply with the Performance Criteria of Section 3.2.5 ‘Street Walls and Fences’ of the Residential Design Codes of Western Australia”.

2. The applicants are now asking that Council consider a 1.5m solid fence with a 300mm lattice above. A site plan is attached at the end of this report.

STATUTORY REQUIREMENTS

3. The property is zoned “Residential” with a density coding of R20 under Town Planning Scheme 1A.
4. A fence greater than 1.2m requires approval by the City of Albany under it’s Local Law Relating to Fencing 2001.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. The Performance Criteria of Section 3.2.5 of the Residential Design Codes requires that:

“Front walls and fences to promote surveillance and enhance streetscape, taking account of:

- *The need to provide protection from noise and headlight glare where roads are designated as Primary or District Distributors or Integrator Arterials; or,*
- *The need to provide screening where there is no alternative outdoor living area to the front setback.”*

9. The proponents are seeking to achieve privacy to their only outdoor living area, which is situated within the front setback area.

10. The R Codes recommend that where a private courtyard is unavoidable in the front setback area, screening it with dense planting or a “permeable” fence that will still provide reasonable privacy is appropriate.

DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

11. The streetscape in this locality is very open in nature. The proposed fence will look obtrusive and out of character and will be detrimental to the streetscape.

12. In discussion with the landowners, the concerns raised by them were:
 - a. Construction of a fence in accordance with the Local Law provides no form of privacy to the entertainment area of their unit;
 - b. They are on a fixed income and have committed the majority of their finances to the construction of the unit, thereby limited the funding available for fencing;
 - c. The entertainment area is located approximately 1.5 metres below street level and the front fencing needs to be sufficient height to prevent someone accidentally falling into the yard;
 - d. The R Codes do not appear to give consideration to group housing developments constructed below street level;
 - e. The incidence of “mid block” group housing projects will increase and Council needs to provide greater opportunity for higher fencing for those units; and
 - f. There are other incidences where fences have been built across property frontages at a height greater than 1.2 m.

13. The following staff recommendation supports the integrity of the current policy framework. The current application is less detrimental than the original application but still inconsistent with the Performance Standards of the “R Codes” and Council’s Local Law.

RECOMMENDATION

THAT Council resolves to advise the proponent that any further application for a 1.5m solid Colorbond fence with a 300mm lattice above would not be supported.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.8 continued

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR LIONETTI**

THAT Council;

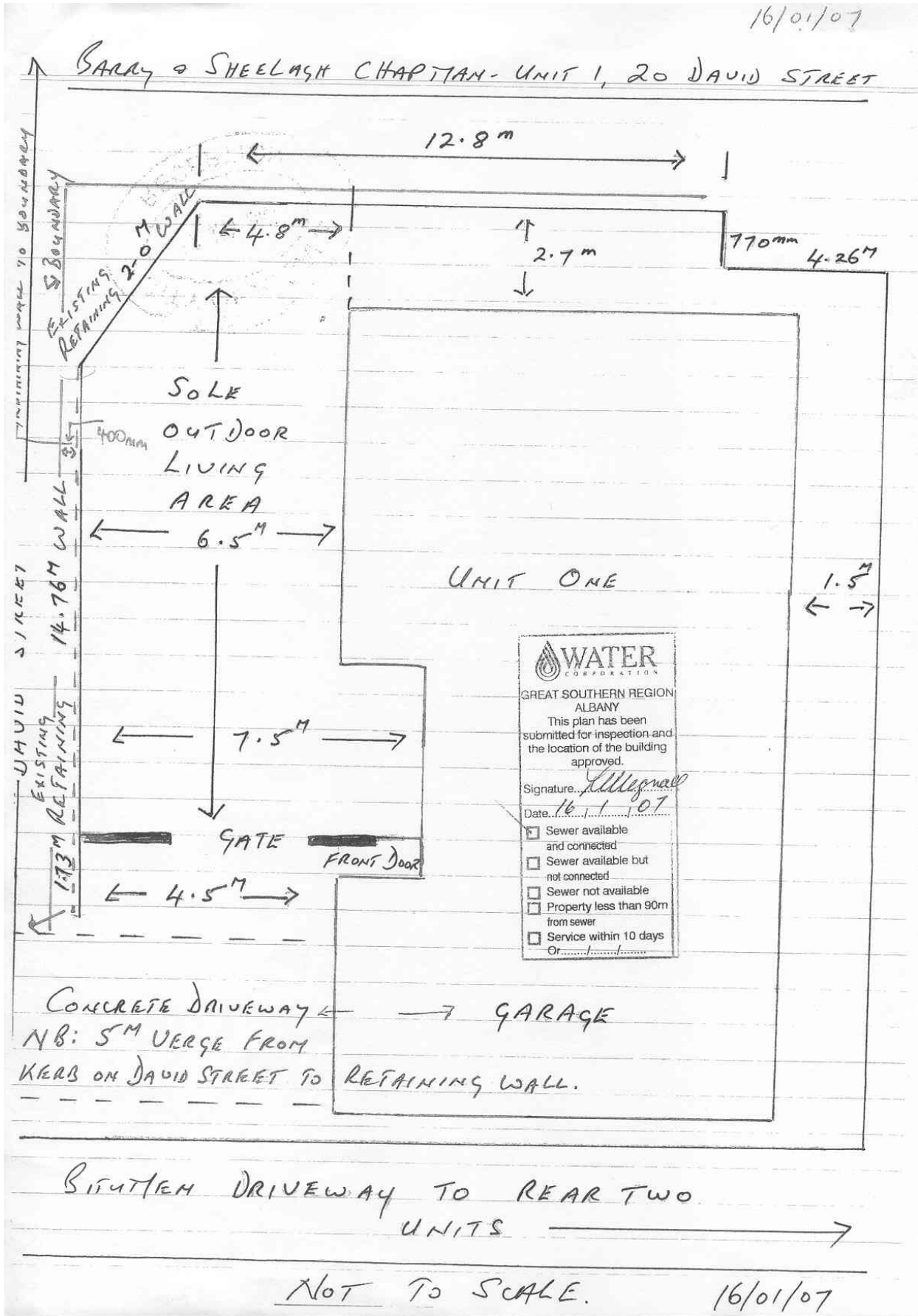
- 1. resolve to advise the proponent that, upon receipt of the appropriate application, Council will support the issuing of the appropriate approvals to construct a 1.5m solid “Colorbond” fence with a 300mm lattice section above at Lot 20 (Unit 1, 103) David Street, Spencer Park;**
- 2. reviews its policy position and determine what arrangements can be made, pursuant to the City of Albany Fencing Local Law to provide an appropriate framework for staff to provide privacy to future “mid block” group and multiple housing developments.**

CARRIED 14-0

Reason:

The Performance Criteria of the R Codes and the City’s Fencing Local Law do not adequately provide for the privacy requirements of group housing developments where those developments are not on corner sites and the entertainment area for the development is below street level. This request highlights an anomaly that Council cannot ignore and a policy position for the future needs to be developed.

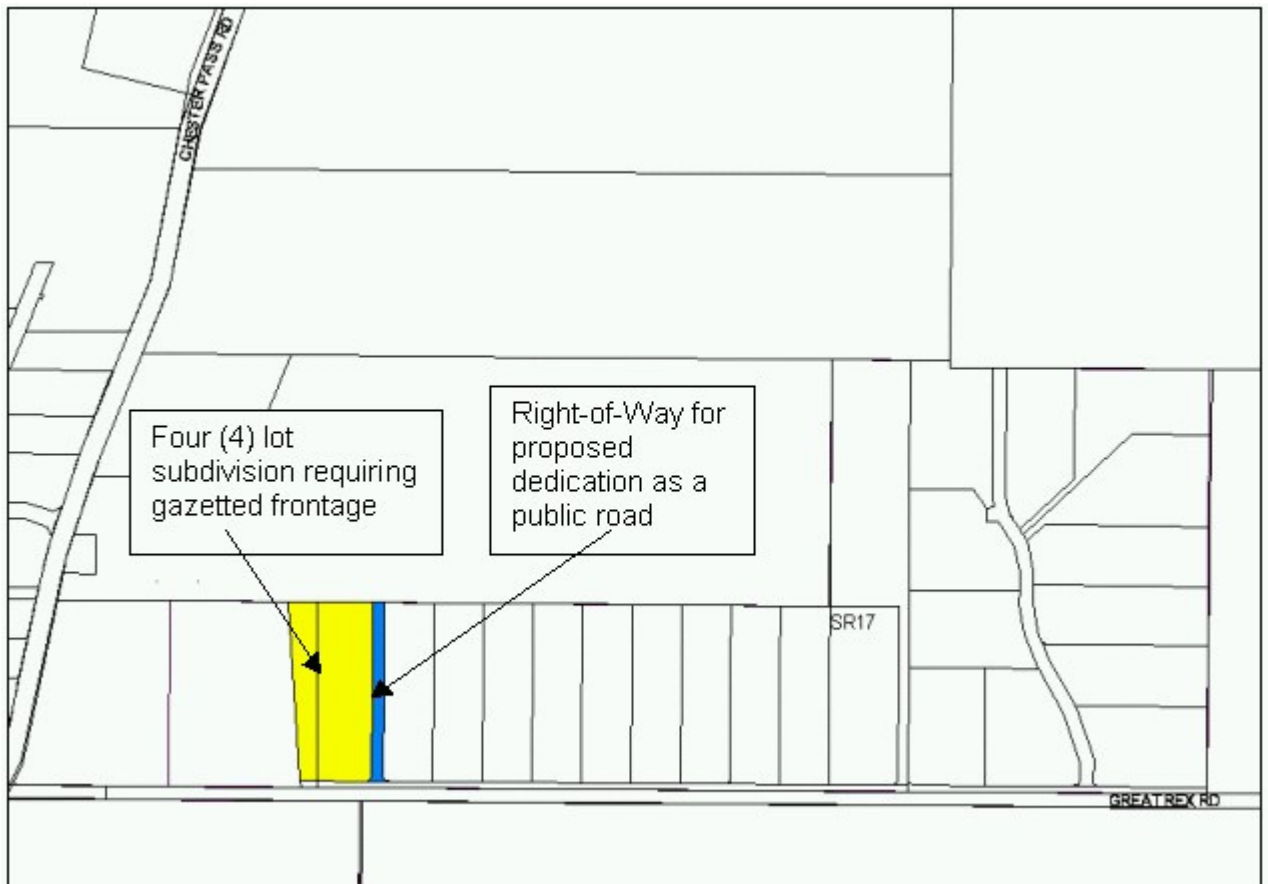
Item 11.1.8 continued



DEVELOPMENT SERVICES REPORTS

11.1.9 Road Dedication - Conversion of Right of Way to Public Road - King River

File/Ward	: SER141 (Kalgan Ward)
Proposal/Issue	: Request to dedicate existing ROW as a public road
Subject Land/Locality	: Greatrex Road, King River
Proponent	: John Kinnear and Associates
Owner	: Crown
Reporting Officer(s)	: Planning Officer (L Brown)
Disclosure of Interest	: Nil
Previous Reference	: N/A
Summary Recommendation	: To support the request
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.9 continued

BACKGROUND

1. Council has received a request from John Kinneer and Associates to dedicate an existing right of way (ROW) located on Greatrex Road as a public road. The change in the reserve status will formalise vehicular access for four lots that are to be created as part of a new subdivision that has been supported by the City of Albany under delegated authority.
2. The Western Australian Planning Commission granted subdivision approval for the four (4) lot subdivision on 12 January 2007 (reference number 133147 - plan shown attached). The plan shows the connection of the ROW (road) to Greatrex Road. The subdivider is required to implement appropriate traffic and signage treatment at this intersection as a condition of the WAPC approval.
3. The proponent has advised that prior to creating titles for the lots fronting the new cul-de-sac, the Department of Planning and Infrastructure requires Council's support (via a Council resolution) to change the dedication of the ROW to a public road.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to...

- *Sustainably managing Albany's municipal assets.*

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.9 continued

COMMENT/DISCUSSION

8. The ROW is currently owned by the State Government but vested in the City of Albany for a public purpose use, which requires the City of Albany to manage this portion of land. The dedication of the ROW to a public road has a negligible impact in respect to the role required of the City of Albany.

RECOMMENDATION

THAT Council resolves to:

- i) support the dedication of the existing Right of Way as a ‘Public Road’ pursuant to Section 56 of the Land Administration Act 1997; and
- ii) advise the proponent and the Department of Planning & Infrastructure of Council’s resolution.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council resolves to:

- i) support the dedication of the existing Right of Way as a ‘Public Road’ pursuant to Section 56 of the Land Administration Act 1997; and**
- ii) advise the proponent and the Department of Planning & Infrastructure of Council’s resolution.**

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Modifications to Parking Arrangements - Stirling Terrace, Albany

File/Ward	:	SER115 (Frederickstown Ward)
Proposal/Issue	:	Provision of new disabled bay outside Department of Planning and Infrastructure building on Stirling Terrace
Subject Land/Locality	:	Lot 2 Stirling Terrace, Albany
Proponent	:	City of Albany
Owner	:	Crown
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Parking Arrangements be Modified
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

BACKGROUND

1. Mr Geoff Finlay of the Department of Planning & Infrastructure (DPI) has requested the provision of a disabled bay outside the Department's building located at Lot 2 Stirling Terrace, Albany. The location of the bay is shown in Attachment A, attached to the rear of this report.
2. The bay has been primarily requested to cater for elderly drivers required to undertake compulsory driving tests with DPI.

STATUTORY REQUIREMENTS

3. Clause 3.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:

"3.1 The local government may by resolution constitute, determine and vary and also indicate by signs -:

- (a) parking stalls;*
- (c) permitted time and conditions of parking stalls ... which may vary with the locality;*
- (e) permitted classes of persons who may park in specified parking stalls.; and*
- (f) the manner of parking in parking stalls..."*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The cost of the proposed signage would be funded from existing budgets.

STRATEGIC PLAN IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

COMMENT/DISCUSSION

7. The request by DPI is supported on the basis that the building attracts a significant number of patrons, some of which would require improved access to disabled parking.
8. The disabled bay would also assist the DPI in accommodating elderly drivers required to take compulsory driving tests.

RECOMMENDATION

THAT Council resolves, pursuant to Clause 3.1 of the City of Albany Parking and Parking Facilities Local Law 2001, to:

- i) change the existing parking arrangements on Stirling Terrace by modifying one 30 minute bay (shown on the attached plan as bay ST80) to a Disabled Bay;
- ii) erect signage indicating a disabled bay; and
- iii) advertise the restrictions.

Voting Requirement Simple Majority

.....

ADDENDUM

9. The DPI Regional Manager has advised that approximately 150 drivers per annum, over the age of 85 years are required to sit a compulsory driving test. Those drivers receive a written notification of the date and time of that test and the department is able to supply some form of identification, to be placed on the dashboard of those vehicles when they occupy the bay set aside for ACROD ticket holders.

AMENDED RECOMMENDATION

THAT Council resolves, pursuant to Clause 3.1 of the City of Albany Parking and Parking Facilities Local Law 2001, to:

- i) change the existing parking arrangements on Stirling Terrace by modifying one 30 minute bay (shown on the attached plan as bay ST80) to a Disabled Bay, that is exempt for those drivers holding a limited permit issued by the Department of Planning and Infrastructure;
- ii) erect signage indicating a disabled bay and the limited exemption; and
- iii) advertise the restrictions.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WALKER**

THAT this item lay on the table to allow sufficient time for the request to be considered at the next meeting of the Seniors Advisory Committee and for Council to receive a report from the Committee.

CARRIED 11-3

Reason:

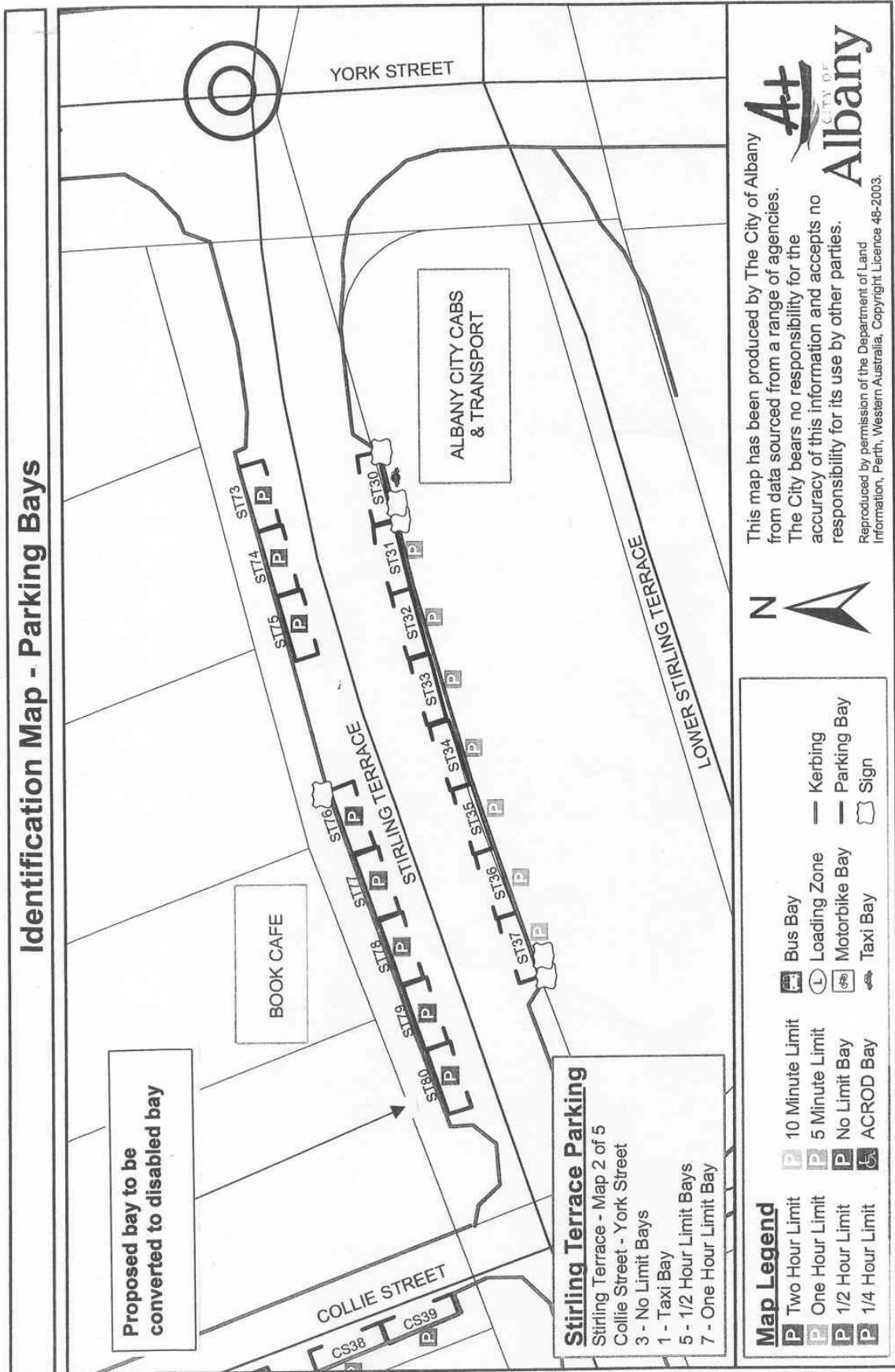
The bay selected by the DPI would be difficult to access by senior drivers and Council should not be converting conventional car parking bays into disabled bays without gaining advice from the Committee Council formed to comment on these issues.

Record of Vote:

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

Against the motion: Councillors Paver, Bojcun and Williams

Item 11.2.1 continued



DEVELOPMENT SERVICES REPORTS

11.2.2 Request to Extend Liquor Licence Area - Lockyer Avenue, Centennial Park

File/Ward	:	A92223 (Frederickstown Ward)
Proposal/Issue	:	Extension of Railways Liquor Licensed Area to Include Half of the Front Veranda
Subject Land/Locality	:	Centennial Park
Proponent	:	Railways Football & Tigers Sporting Club (Albany) Inc
Owner	:	City of Albany
Reporting Officer(s)	:	Senior Environmental Health Officer (G Harwood)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 08/07/97 - Item 6.1.3 OCM 19/09/95 - Item 7.33
Summary Recommendation	:	Approve the application to extend the liquor licensed area
Bulletin Attachment	:	Previous Minutes
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

BACKGROUND

1. The Railways Football & Tigers Sporting Club (Albany) Inc has made application to extend the liquor licensed area of their Lockyer Avenue Clubrooms to include half of their verandah.
2. Currently the club's licensed area is limited to the main function room of the clubhouse. The club's reason for seeking the extension is that the current licensed area is an artificial demarcation where as in practice the club's activities during games and functions flow naturally outdoors onto the verandah.
3. Council has previously considered and refused two similar proposals from the club in 1995 and 1997, see minutes in the Elected Member's Report / Information Bulletin.
4. The officer's report relating to agenda Item 6.1.3, 8 July 1997 stated the following reasons for recommending refusal:
 - i) *the area was to be created by the placement of a rope or rail upon posts;*
 - ii) *the area is not adequately protected to ensure drinks could not be obtained by underage persons; and*
 - iii) *football is a sport which attracts entire families and Council did not wish to promote out of doors drinking in a public environment.*

STATUTORY REQUIREMENTS

5. The extension of the club's licensed area is affected by both the Aboriginal Heritage Act 1972 and Liquor Licensing Act 1988.
6. Section 17 of the Aboriginal Heritage Act 1972 states that:

17. Offences relating to Aboriginal sites
A person who
 - (a) *excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or*
 - (b) *in any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site,*
commits an offence unless he is acting with the authorisation of the Registrar under section 16 or the consent of the Minister under section 18.
7. Given that the club's grounds have been identified as a registered site any changes that potentially involve disturbing ground will need to be approved by the Minister.
8. The club is aware of it's obligations in this regard and have advised that they will be seeking the approval of the local aboriginal community prior to erecting any barriers that would be associated with the creation of an outdoor liquor area.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

9. Section 5 of the Liquor Licensing Act 1988 states that:
 - 1) *The primary objects of this Act are*
 - (a) *to regulate the sale, supply and consumption of liquor; and*
 - (b) *to minimize harm or ill-health caused to people, or any group of people, due to the use of liquor.*
 - 2) *In carrying out its functions under this Act, the licensing authority shall have regard to the primary objects of this Act and also to the following objects;*
 - (a) *to regulate, and to contribute to the proper development of, the liquor, hospitality and related industries in the State;*
 - (b) *to cater for the requirements of the tourism industry;*
 - (c) *to facilitate the use and development of licensed facilities reflecting the diversity of consumer demand;*
 - (d) *to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and*
 - (e) *to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.*
10. The Liquor Licensing Act aims to achieve these objectives by ensuring that alcohol can only be purchased from appropriately licensed outlets that are controlled by licence conditions that relate specifically to their operation.
11. As part of this process each prospective licensee is required to show that they have obtained permission to serve liquor from the owner of the land in question, who in this case is the City of Albany.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance and;*
- *Promoting our community's vision for the future.*

Priority Projects:

Nil."

COMMENT/DISCUSSION

15. As previously mentioned, the Railways Football & Tigers Sporting Club (Albany) Inc have made applications to licence their entire veranda on two occasions. The first was in 1995 and the second was in 1997.
16. The club's 1995 application was rejected by Council on the basis that licensing the verandah would encourage underage drinking and antisocial behavior at what was considered to be a family event. The agenda item relating to this decision Council also raised concerns that approving the extension would set a precedent for the outdoor consumption of alcohol at other sporting events.
17. In 1997, the club reapplied on the basis that Council had granted approval for the Emu Point and Middleton Beach Bowling Clubs to extend their licensed premises to include the bowling greens.
18. The officer's report relating to their 1997 application stated:

"The liquor accord seeks to limit the potential exposure of minors to alcohol. The circumstances associated with the consumption of alcohol at bowling greens is different to that which would exist at the Lockyer Avenue grounds of the Club.

If Council granted an approval for this application, it would set a precedent for other sporting venues in Albany and undermine the principles of the accord.
19. On the basis of these comments, and those contained in the report relating to the club's 1995 application, Council resolved to refuse the 1997 application.
20. In the last 10 years, there has been a shift in social attitudes towards the licensing of outdoor areas for alcohol consumption. In response to this shift, the licensing court has been issuing increasing numbers of outdoor approvals. These approvals include alfresco areas, break out areas and sections of sporting grounds and grand stands. To date, the liquor industry has proven itself to be capable of managing these approvals.
21. The club's current application to license half of the verandah area has been discussed with the local Liquor Licensing Officer who has advised that he has no objection to the proposal providing the licensed area is clearly delineated with posts and rails, or a similar form of barrier.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

22. Given this advice, it appears that Council has two approval options:

- 1) Reject the proposal using the grounds given in its 1995 and 1997 refusals. These grounds are:
 - a) the area is not adequately protected to ensure drinks could not be obtained by underage persons;
 - b) football is a sport which attracts entire families and Council does not wish to promote out of doors drinking in a public environment; and
 - c) that approving the extension would set a precedent for the outdoor consumption of alcohol at other sporting events.

OR

- 2) Approve the Railways Football & Tigers Sporting Club (Albany) Inc application to extend the liquor licensed area of their Lockyer Avenue Clubrooms to include half of their verandah, subject to the following requirements being met:
 - a) The outdoor licensed area being clearly delineated by the erection of suitable barriers; and
 - b) The Railways Football & Tigers Sporting Club (Albany) Inc providing written evidence that they have obtained permission from the Dept of Indigenous Affairs to erect these barriers in accordance with the requirements of the sections 16 & 17 of the Aboriginal Heritage Act 1972.
23. In making this decision Council should consider that by licensing half of the verandah they are potentially excluding from that area families and people who do not want to drink.
24. The verandah does cover an extensive area and it can be argued that there is sufficient space for families to find covered viewing space well away from the proposed licensed area. With proper management of the outdoor licensed area, the club should be able to accommodate both usage expectations without conflict.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

RECOMMENDATION

THAT Council approve the Railways Football & Tigers Sporting Club (Albany) Inc application to extend the liquor licensed area of their Lockyer Avenue Clubrooms to include half of their verandah subject to the following requirements being met:

- a) The outdoor licensed area being clearly delineated by the erection of suitable barriers; and
- b) The Railways Football & Tigers Sporting Club (Albany) Inc providing written evidence that they have obtained permission from the Dept of Indigenous Affairs to erect these barriers in accordance with the requirements of the sections 16 & 17 of the Aboriginal Heritage Act 1972.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR WELLINGTON**

THAT Council approve the Railways Football & Tigers Sporting Club (Albany) Inc application to extend the liquor licensed area of their Lockyer Avenue Clubrooms to include half of their verandah subject to the following requirements being met:

- a) The outdoor licensed area being clearly delineated by the erection of suitable barriers; and**
- b) The Railways Football & Tigers Sporting Club (Albany) Inc providing written evidence that they have obtained permission from the Dept of Indigenous Affairs to erect these barriers in accordance with the requirements of the sections 16 & 17 of the Aboriginal Heritage Act 1972.**

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Review of Albany Local Planning Strategy

File/Ward	:	STR078 (Yakamia and Kalgan Wards)
Proposal/Issue	:	Undertake Peer Review of ALPS
Subject Land/Locality	:	Suburbs of Lange, Walmsley and Lower King
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Undertake Peer Review through Design Forum
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. The City of Albany's draft Albany Local Planning Strategy (ALPS) has been subjected to a public consultation process and approximately 60 submissions have been received. Those submissions are currently being assessed and a report will be included in a Council agenda in the near future.
2. Over the next decade, an additional 4,000 to 8,000 people will be residing in Albany (the equivalent of moving the Shire of Denmark into the urban fringe) and the ALPS identifies the areas where that growth can be accommodated. The existing residential areas are defined by Albany's topography, the remnant vegetation and the relationship of the suburb to the City's coastline, escarpments and other features. To simply transpose metropolitan Perth subdivision values and solutions onto Albany's urban fringe would seriously erode the values that current residents enjoy, compromising Albany's unique sense of place.

STATUTORY REQUIREMENTS

3. Section 6.8 of the Local Government Act 1995 states;

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure .

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. To undertake a peer review would cost in the vicinity of \$40,000 to \$50,000. A portion of the budget allocation for the consultation processes for the ALPS and the CPS remains unspent. A portion of the required funds can be secured from within the existing budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

- *2. Albany Local Planning Strategy and Town Planning Scheme.”*

COMMENT/DISCUSSION

7. The philosophy espoused in the ALPS has not been challenged by the various government agencies that have responded to the draft strategy. Community groups and private individuals have taken the opportunity to challenge some of the environmental, social and economic statements made in the consultation draft. Council would be within its rights to simply work through the submissions, making recommendations on areas where changes are considered necessary and dismissing the remaining comments; this is the approach that has been taken in the past and is consistent with the regulations.
8. The Albany Local Planning Strategy is the land use planning “blueprint” for the future growth of the City and it has been suggested that the document should be subjected to a peer review before Council “signs off” the strategy and puts in place its master plan for the next twenty year’s growth. That peer review could take the form of a panel of urban designers vetting the draft document and arranging an intensive workshop in Albany to translate the ALPS objectives into a design outcome; it is only through such a process that a clearer picture can be formed on whether the transport options, environmental expectations, lot yields and servicing arrangements can be realised.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

9. Staff are suggesting that the area north of Mercer Road, through to the King River and bounded by Willyung Creek and Lower King Road be the area that is subjected to a design forum to test and translate the principles of ALPS. The design forum would need to be run over a one or two day period and the outcomes translated into a concept plan and report. Where problems are experienced with the draft ALPS, or additional information needs to be added into the strategy, those outcomes can be considered concurrently with the submissions. The design principles from the forum can also be adopted by Council as a conceptual structure plan for the area and used to guide the actions of individual landowners in the future.
10. In discussions with several agencies, some financial assistance may be forthcoming to assist in bringing several urban designers to Albany to participate in the forum, particularly if improved environmental outcomes can be achieved. The following recommendation acknowledges some external funding support for the project. If adopted by Council, the forum would need to be held during the month of May 2007 so that the adoption of the ALPS is not delayed beyond June or July 2007.

RECOMMENDATION

THAT Council allocate \$25,000 as a part contribution, to undertake a peer review of the Albany Local Planning Strategy during the month of May 2007 and pursuant to Section 6.8 of the Local Government Act 1995 the budget for the City of Albany Town Planning Scheme (job 4003) and the Local Planning Strategy (job 4004) be reduced by \$15,000 and \$10,000 respectively.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILLIAMS**

THAT Council allocate \$25,000 as a part contribution, to undertake a peer review of the Albany Local Planning Strategy during the month of May 2007 and pursuant to Section 6.8 of the Local Government Act 1995 the budget for the City of Albany Town Planning Scheme (job 4003) and the Local Planning Strategy (job 4004) be reduced by \$15,000 and \$10,000 respectively.

**CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.3.2 Draft Scheme Policy - Little Grove Residential Development Zone: Conceptual Structure Plan

File/Ward	:	STR130 (Vancouver Ward)
Proposal/Issue	:	Provide Subdivisional Opportunities for Lots Zoned Residential Development in Little Grove
Subject Land/Locality	:	Various Lots
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Strategic Planner (R Hensel)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt Policy for Advertising Purposes
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. The City of Albany Town Planning Scheme 3 has zoned an area bounded by Frenchman Bay Road, Bayview Drive, Jeffcott Road, Queen Street, Marine Terrace within the “Residential Development” zone. The total area is 95.65ha. Development of those lots cannot proceed until an overall structure plan has been prepared. The Water Corporation’s Little Grove Infill Sewerage Programme is scheduled for completion towards the end of 2007. To respond to the demand for residential land in Little Grove, the preparation of a structure plan remains a high priority for the City.
2. The conversion of this land to residential lots is recommended in the City’s Draft Local Planning Strategy.
3. Some existing landowners have expressed a desire to subdivide their land once sewer is available. The current zoning is hindering this opportunity.

STATUTORY REQUIREMENTS

4. Scheme 3 states at Clause 5.2 that;

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

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

POLICY IMPLICATIONS

5. The City of Albany Town Planning Scheme 3 states that the broad objective for the Residential Development zone is *“to facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisional pattern, multiple ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development.”*

FINANCIAL IMPLICATIONS

6. The in-house preparation of the Little Grove Conceptual Structure Plan (LGCSP) has been undertaken as a high priority action to coordinate and respond to land owner subdivision proposals upon the completion of the Infill Sewer Programme. That work has been completed within current budget.

STRATEGIC IMPLICATIONS

7. The City of Albany’s Draft Local Planning Strategy has identified the subject land for residential development within the next 20 years.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

COMMENT/DISCUSSION

8. Council staff have been approached by a number of land owners within the “Residential Development” zone wishing to subdivide their land, following the completion of the Little Grove Infill Sewer Programme. Subdivision can only be facilitated within the zone following the adoption of a structure plan.
9. The following are the principle aims of the Conceptual Structure Plan:
 - To promote a sustainable urban design and development approach;
 - To integrate new urban areas with abutting existing areas;
 - To ensure a site responsive approach that maximises local features that enhances the local character and promotes a sense of community;
 - To provide a safe, convenient and attractive locality to meet the changing needs of a diverse community and offer a wide choice of housing types;
 - To encourage a variety of lot sizes and housing types to cater for families, couples and singles;
 - To encourage the expansion of the Little Grove activity centre to service a growing local and surrounding communities;
 - To provide a safe, convenient, legible and integrated movement network; and
 - To encourage the use of water sensitive design principles and minimise the export of nutrients.
10. A copy of the draft Little Grove Conceptual Structure Plan will be distributed under independent cover to Councillors.

RECOMMENDATION

THAT Council, pursuant to Clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt for the purposes of advertising the draft policy entitled “Little Grove Conceptual Structure Plan”.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR JAMIESON**

THAT Council, pursuant to Clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt for the purposes of advertising the draft policy entitled “Little Grove Conceptual Structure Plan”.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.3 Content of the Community Planning Scheme - Guidance on Scheme Provisions

File/Ward	:	STR089 (All Wards)
Proposal/Issue	:	Content of Draft Community Planning Scheme - Appeal Rights
Subject Land/Locality	:	Entire District
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/01/07 - Item 11.3.3
Summary Recommendation	:	Not Incorporate Third Party Appeal Rights
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. City staff are in the process of completing a first draft of a comprehensive Town Planning Scheme, that document to be known as the “Community Planning Scheme No. A” (CPS). The CPS is to apply to the entire district of the City of Albany and is being written in line with the *Model Scheme Text* (MST), which was introduced through regulation in October 1999. The purpose of the MST is to provide a consistent legal and administrative framework for the preparation of town planning schemes across the state. The MST retains the conventional zoning format of previous town planning schemes, but it provides the opportunity for a local authority to incorporate appropriate provisions for their District provided the Council maintains the uniform administrative and operational arrangements.

2. At the January meeting of Council, it was agreed that certain actions would be taken in regards to;
 - CBD coding and transition to residential area;
 - the identification of future residential areas (carrying forward the existing Residential Development and Future Urban zones in the existing town planning schemes, as well as recognizing those areas identified in the Albany Local Planning Strategy);
 - the desirability of incorporating clauses relating to building heights for various types of buildings;
 - whether the scheme should be written to provide the greatest opportunity for flexibility in decision making into the future; and
 - the desirability of utilising special, restricted and additional uses categories.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

3. In regards to third party appeal rights, the following resolution was passed:
“THAT Council defer any decision on the drafting of the appeal provisions for the City of Albany Community Planning Scheme until a further briefing has been provided by City staff on the content of the legal opinions received and how third party appeal mechanisms operate in other states.”

That briefing occurred on the 6th February 2007. Instruction is now sought from Council on whether it wishes staff to draft third party appeal clauses into the CPS.

STATUTORY REQUIREMENTS

4. The *Planning and Development Act 2005*, sets out the legal framework involved in preparing a new Town Planning Scheme. The relevant sections from that Act are;

69. General objects of local planning scheme

(1) A local planning scheme may be made under this Act with respect to any land;

(a) with the general objects of making suitable provision for the improvement, development and use of land in the local planning scheme area; and

(b) making provision for all or any of the purposes, provisions, powers or works referred to in Schedule 7.

(2) With those objects a local planning scheme may provide for planning, replanning, or reconstructing, the whole or any part of the local planning scheme area.

73. Provisions of local planning scheme

(1) A local planning scheme is to;

(a) define in such manner as may be prescribed by the regulations the area to which the scheme is to apply;

(b) specify the local government to be responsible for enforcing the observance of the scheme, and for the execution of any works which, under the scheme or this Act, are to be executed by a local government;

(c) provide for matters which may be dealt with by general provisions prescribed under section 256;

(d) otherwise supplement, exclude or vary the general provisions to the extent approved by the Minister; and

(e) deal with any special circumstances or contingencies for which adequate provision is not made by the general provisions.

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

FINANCIAL IMPLICATIONS

6. There may be some financial implications relating to a legal review of any draft clauses created to support third party appeals. An indicative cost of a legal review has not been sought.

STRATEGIC IMPLICATIONS

7. In addition to the principles outlined in the draft Albany Local Planning Strategy, this item also relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

2. Albany Local Planning Strategy and Town Planning Scheme.”

COMMENT/DISCUSSION

8. In 2001, Council resolved that the City would incorporate a provision allowing for third party rights of appeal (identical to clause 6.7 of the City’s Town Planning Scheme No. 3) into Town Planning Scheme 1A. The expectation being that the City’s proposed CPS would also incorporate similar appeal rights to those existing in Scheme 3. The Minister declined the request, but allowed third party appeals to remain in Scheme 3.
9. Town Planning Scheme 3 makes allowances for *“a person aggrieved by a decision of Council in the exercise of discretionary powers conferred upon it by the scheme”* to appeal that decision, whereas Town Planning Scheme 1A limits appeals to *“an applicant aggrieved by a determination of the Council”*.
10. Whilst Council may have the political desire to incorporate a third party appeal right into the CPS, it remains unclear whether the Minister would support that initiative. The MST is included in the Town Planning Amendment Regulations 1999 and the MST seeks to extend appeal rights only to *“an applicant aggrieved by a determination of the Council in the exercise of discretionary powers conferred upon it by the scheme”*.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

11. As detailed above, Section 73 (1)(d) of The Planning and Development Act 2005 provides a discretionary power for the Minister to “*vary the general provisions to the extent approved by the Minister*”. Until the Minister is presented with a clause at variance to the MST, any comment about the success of incorporating third party appeals into the CPS is supposition. It is highly likely that the Minister would not support the retention of the status quo involving no third party appeals in area covered by Scheme 1A and third party appeal rights over the remainder of the District. A change to appeal rights for some part of the District is inevitable. The question confronting Council is whether or not third party appeal rights should be applied for and whether that request will be supported.
12. The major points in the case for incorporating a third party appeal right into the CPS can be summarised as;
 - All other States in Australia define parameters where third party appeal rights can be exercised against land use planning decisions;
 - The third party appeal right currently available under Scheme 3 has not been abused by the public and it resulted in a successful review of one Council decision;
 - The MST allows for public comment and involvement prior to a decision being taken, but excludes the capacity for the public to challenge the final decision;
 - A developer can challenge a Notice of Planning Scheme Consent Refusal or a condition attached to a Notice of Planning Scheme Consent through the SAT without the knowledge of the community and without a process for the community to participate in the review of that decision / condition; and
 - No mechanism exists for a review of poor decision-making.
13. The arguments against the introduction of third party appeal rights include;
 - Other States define the parameters where appeals can be exercised to provide certainty for developers and appellants.
 - Approvals, once granted, would have to incorporate a delayed commencement date of 28 days to ensure the appeal provisions are operative.
 - The City of Albany would operate with town planning appeal arrangements at variance with all other local authorities in the State.
 - Given the low number of third party appeals lodged under the current Scheme 3 arrangements, the required delay in commencements cannot be justified.
 - To provide equity, all discretionary decisions of Council (including setback relaxations, provision of retaining walls on property boundaries, etc) should be subject to third party appeal rights.
 - Council would be obligated to advise third parties of their appeal rights, thereby increasing the potential for appeals and the cost to ratepayers of administering the CPS.
14. There is no reason why third party appeal provisions cannot be incorporated into the draft of the CPS. The ultimate decision on whether those provisions remain in the CPS will rest with the Minister for Planning and Infrastructure; the drafting of appropriate “appeal rules” in the scheme may go some way towards achieving the Minister’s approval. In the absence of other legislative mechanisms, the CPS would need to provide greater clarity than the current provisions which require the appellant to prove to the Tribunal that they are an “aggrieved person”.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- 15. The Minister for Planning and Infrastructure was asked to consider the introduction of third party appeal rights when the current planning legislation was before Parliament and she responded by advising that she would consider that request in the future, once she was satisfied that appropriate legislation can be drafted. There would be a considerable community cost involved in the introduction of third party appeals, resulting from delays in issuing approvals and starting construction programs, the direct cost of defending planning decisions and by setting unique development rules throughout the District for investors.
- 16. The writer has practised interstate where every local authority operates with common appeal provisions. The following recommendation reflects concerns over setting up unique administrative arrangements in the City of Albany and creating a marketing and development disadvantage for the District. If the appeal arrangements are supported, every building upon the foreshore could be subject to appeal, potentially together with approximately 800 of the 1200 development decisions that are made annually.

RECOMMENDATION

THAT City of Albany staff prepare the draft Community Town Planning Scheme utilising the appeal provisions prescribed in the Model Scheme Text, namely that appeal rights are provided to an applicant aggrieved by a determination of the Council in the exercise of discretionary powers conferred upon it by the scheme.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR MARSHALL</p> <p>THAT Council instructs staff;</p> <ul style="list-style-type: none"> (1) to utilise Clause 14 of Schedule 7 of the Planning and Development Act 2005 when drafting the Albany Community Planning Scheme, to confer upon persons aggrieved by the exercise of a discretionary power a right to apply to the State Administrative Tribunal for a review of the exercise of the power; and (2) to utilise all the means at the City’s disposal, including the recourse to law, to ensure the Minister gives effect to Council’s intention. <p style="text-align: right;">TIED 7-7</p> <p>The Mayor issued a casting vote for the motion in accordance with Section 5.21(3) of the Local Government Act 1995</p> <p style="text-align: right;">CARRIED 8-7</p>

Reason:

Council wishes to preserve the status quo in what was formerly the Shire of Albany and extend the existing third party right to what was the former Town of Albany.

Record of Vote:

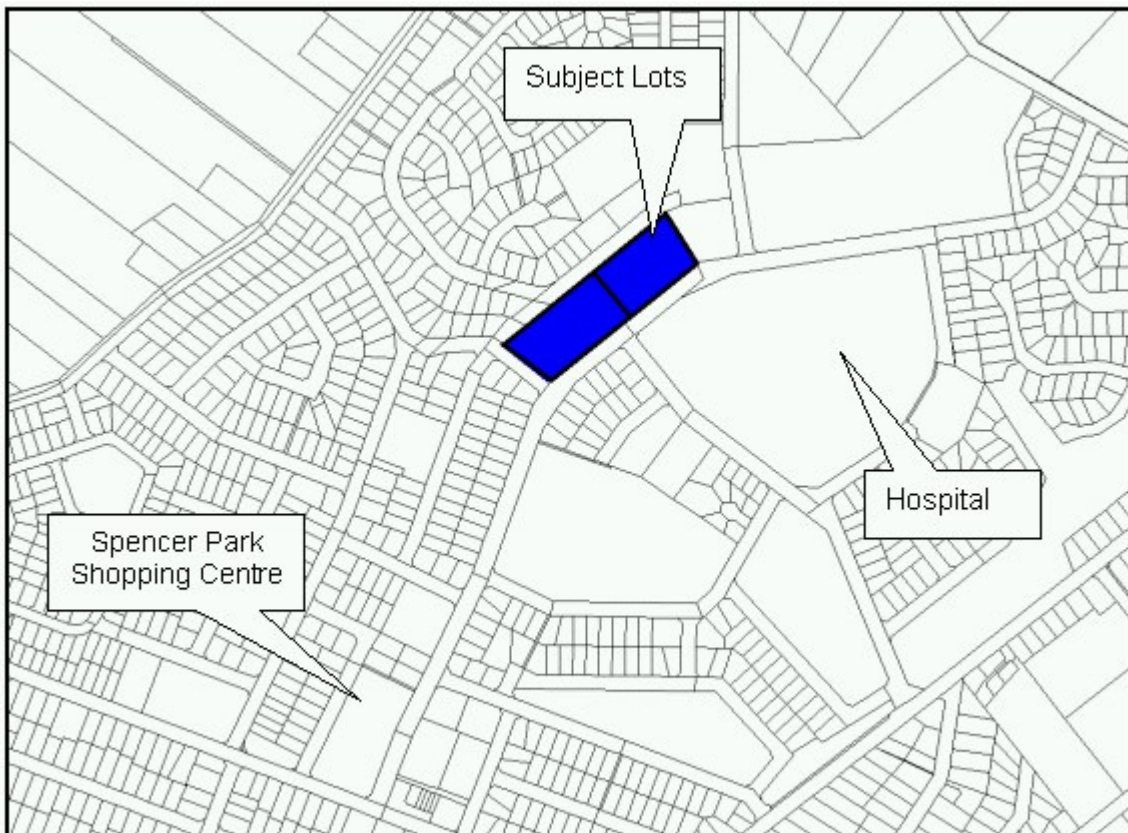
For the motion: Mayor Goode, Councillors Marshall, Paver, Bojcun, Jamieson, Wolfe and West

Against the motion: Councillors Emery, Wellington, Waterman, Williams, Walker, Lionetti and Wiseman

DEVELOPMENT SERVICES REPORTS

11.3.4 Scheme Amendment Request - Lots 1500 and 1499 Hardie Road, Spencer Park

File/Ward	:	SAR110 (Breaksea Ward)
Proposal/Issue	:	Request to rezone land to “Residential”
Subject Land/Locality	:	Lots 1500 and 1499 Hardie Road, Spencer Park
Proponent	:	TPG Town Planning & Urban Design
Owner	:	Danvero Pty Ltd
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support a rezoning from “Clubs and Institutions” to “Residential”
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to rezone Lots 1500 and 1499 Hardie Road, Spencer Park from the “Clubs and Institutions” zone to the “Residential” zone and to amend Appendix II of the Scheme to allow the subject land to be developed with an aged persons village at a density of R60, a Nursing Home and a Medical Centre.
2. Lot 1500 is currently a single storey aged care facility (“Clarence Estate”), which caters for 86 residents (70 high care and 16 low care). Lot 1499 accommodated a nursing home (Spencer Lodge), which has since been demolished leaving the land vacant.
3. A copy of the SAR is included in the Elected Member’s Report/Information Bulletin. The Department for Planning and Infrastructure (DPI) have supported the proposal in principle.

STATUTORY REQUIREMENTS

4. The lots are currently zoned “Clubs and Institutions” in Town Planning Scheme 1A. As defined in the “Use Class Table” of the scheme, Residential R60 and an Aged Persons Village are not permitted in the “Clubs and Institutions” zone, hence the request to change the zoning.
5. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
6. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

7. The most applicable State Planning Policy is “SPP1” (State Planning Framework Policy), the aim of which is “to provide for the sustainable use and development of land”. It seems appropriate that the land is used for aged care, considering the close relative location to the hospital, the Spencer Park Shopping Centre, recreation facilities and supporting medical services. A higher density coding specifically for an aged care facility is also logical, considering aged persons can be comfortably accommodated in smaller residential units.
8. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

FINANCIAL IMPLICATIONS

9. Financial implications may arise as a result of demand for the upgrading of pedestrian access and open space within the vicinity.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

STRATEGIC IMPLICATIONS

10. The Albany Local Planning Strategy (ALPS) document has been adopted by the City as a guide to strategic decision-making. This document indicates the area in question as being suitable for “Residential” purposes and promotes the co-ordinated delivery of community services in the area to match demand. There is clearly a demand for aged care, especially in close location to already established community care facilities.

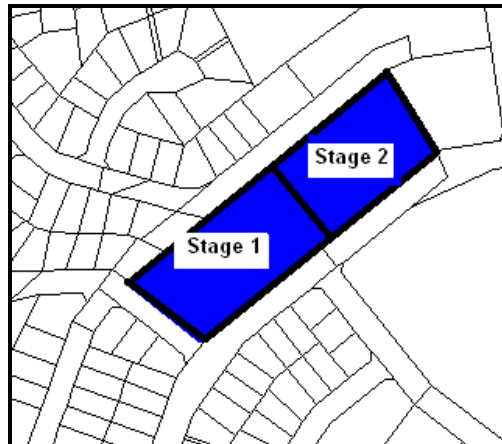
COMMENT/DISCUSSION

Proposal

11. The purpose of the application is to gain Council’s preliminary support to rezone the two lots (1500 and 1499 Hardie Road) to residential in order to allow for the development (Stage 2) of an aged persons village at a density of R60, a nursing home and medical facilities.
12. If an amendment was initiated, prior to referral to the Environmental Protection authority, a “Special Site Number” will need to be allocated and conditions to control development (setbacks, car parking, building height, open space and other), and possibly subdivisional requirements, will need to be documented.

Stage 1 and 2

13. As indicated in the application, the development of “Stage 1” (Lot 1500 - Clarence Estate) is completed and subject to an amendment being supported, development of “Stage 2” (Lot 1499) may then commence. The Proponent’s letter includes an indicative floor plan and elevations of Stage 2.



14. “Stage 2” (the adjoining 0.98ha land holding) involves the development of the following:
 - 14 self contained independent “serviced” units;
 - 59 apartments, containing 2-3 bedrooms, 2 bathrooms, living, dining, kitchen, laundry, and spacious courtyards/balconies;
 - A primary health facility serving both residents and the wider community;
 - Extensive open landscape with some 4,500sqm of “deep soil” planting area potential; and
 - Secure under croft/semi basement car parking.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

Car Parking

15. As per the scheme, car parking is to be provided for an aged persons village at a rate of 1 per 3 beds. It is expected that the entire site will accommodate up to 120 people meaning 40 car parking bays will be required. Stage 2 alone is proposing to accommodate 105 car bays in a basement area with an additional 22 bays proposed to service a medical centre at street level.
16. As per the scheme, car parking is to be provided for a Medical Centre at a rate of 5 bays per practitioner plus one bay for each ancillary staff member. At this point in the application process, the Proponent is unsure as to the amount of staff or medical practitioners to be employed. Justification for this will need to be provided at the amendment stage, to develop the conditions to be included in the Appendix of the Scheme.

Design Criteria

17. The scale, height, plot ratio, open space, set backs and any other relevant design criteria also needs to be clearly justified, especially if contrary to the acceptable and performance standards of the Residential Design Codes. Once again, conditions can then be included in the Appendix to control development.

Traffic Management

18. The development of the site has the potential to increase vehicular movement on the surrounding streets, including Hardie Road and Lindfield Crescent. As part of the amendment documentation, a traffic management report will need to be undertaken to provide confidence that vehicle movement can be accommodated in a safe manner.

Density

19. It has also been acknowledged that the development for aged living at a density of R60 is suitable considering the small plot ratio required for living by aged persons. Amending documentation will need to provide justification that the amount of dwellings proposed as part of the concept plan complies with the R60 density requirements.

Conclusion

20. The area is ideally placed to accommodate an aged care centre with sufficient support facilities. A rezoning to “Residential” is therefore considered appropriate in order to provide the opportunity for more aged care and supporting facilities.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

RECOMMENDATION

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

- i) A conceptual structure plan and traffic management plan being provided;
- ii) Justification that the amount of dwellings proposed as part of the concept plan complies with the R60 density requirements;
- iii) Incorporation of design criteria in accordance with the Residential Design Codes; and
- iv) Incorporation of car parking criteria.

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lots 1500 and 1499 Hardie Road, Spencer Park from the “Clubs and Institutions” zone to the “Residential” zone and to amend Appendix II of the Scheme to include the subject land to allow for an aged persons village at a density of R60, a Nursing Home and a Medical Centre.

Voting Requirement Simple Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

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

- i) A conceptual structure plan and traffic management plan being provided;**
- ii) Justification that the amount of dwellings proposed as part of the concept plan complies with the R60 density requirements;**
- iii) Incorporation of design criteria in accordance with the Residential Design Codes; and**
- iv) Incorporation of car parking criteria.**

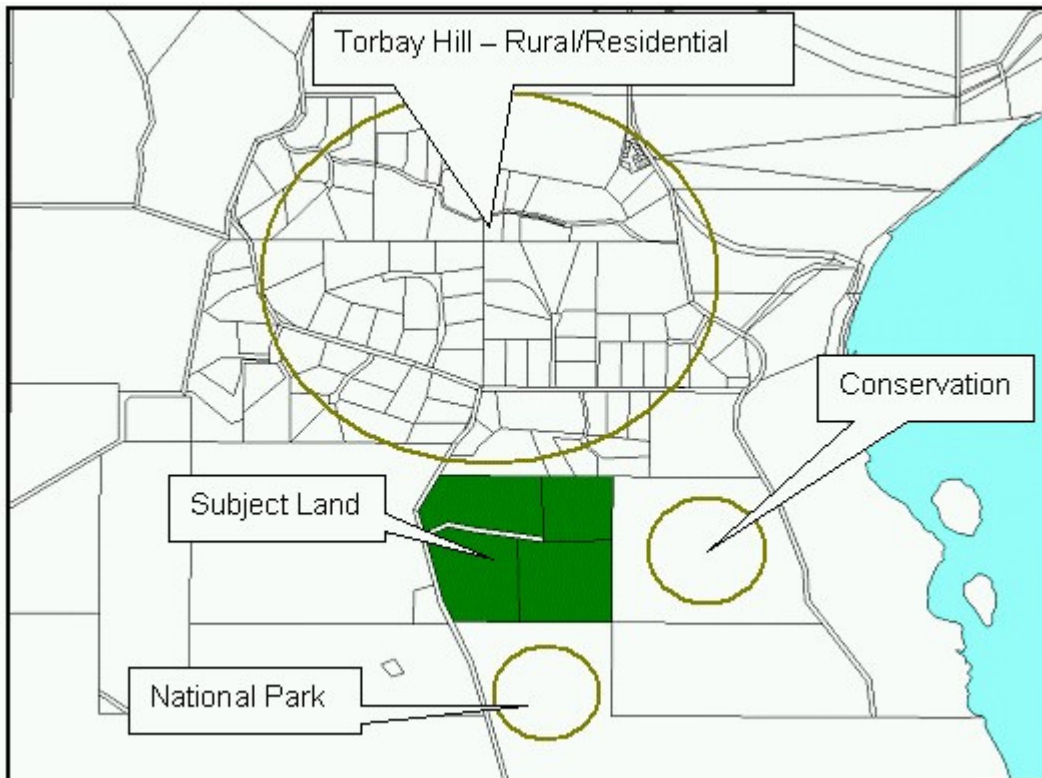
Council advises that it is prepared to entertain the submission of a formal application for rezoning Lots 1500 and 1499 Hardie Road, Spencer Park from the “Clubs and Institutions” zone to the “Residential” zone and to amend Appendix II of the Scheme to include the subject land to allow for an aged persons village at a density of R60, a Nursing Home and a Medical Centre.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.5 Scheme Amendment Request - Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup

File/Ward	:	SAR108 (West Ward)
Proposal/Issue	:	Request to rezone land to “Special Rural”
Subject Land/Locality	:	Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup
Proponent	:	Ayton Taylor Burrell
Owner	:	Timberfield, De Filippis Holdings Pty Ltd and Brilliant
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support a rezoning from “Rural” to “Special Rural”
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to rezone Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from the “Rural” zone to the “Special Rural” zone. The lots are majority cleared (pasture) with a steep gradient and comprising 12 - 15 hectares each. A copy of the request is included in the Elected Members Report/Information Bulletin.
 2. The SAR was referred to the Department for Planning and Infrastructure (DPI), the Department of Water (DoW) and the Department of Agriculture (DoA).
 3. Comments received from government agencies include:
“given the steep gradient, poor soils and location adjacent to a National Park and Conservation lots, the land is not suitable for intensive agriculture and therefore may be best utilized for rural/residential living”.
- and
- “a rezoning of the properties the subject of this application is not to set a precedent for other rural lots adjacent which have a high capability for intensive agriculture”.*

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

7. One of the key objectives of the Statement of Planning Policy (SPP) No 2.5 “Agriculture and Rural Land Use Planning” is to
“discourage land uses unrelated to agriculture from locating on agriculture land”.
8. The West Australian Statement of Planning Policy No.11 “Agriculture and Rural Land Use Planning” states that:
“in the identification and planning of areas for rural settlement, local governments should address the following:

“Rural-residential areas should be located where they are accessible to urban services and employment opportunities such as townsites or service centres in nodal or clustered estates”.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

9. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The Albany Local Planning Strategy (ALPS) document has been adopted by the City as a guide to strategic decision-making. This document indicates the area in question as being suitable for “Priority Agriculture” and makes the recommendation that the continued growth of rural/residential as fragmented isolated developments within priority agriculture areas are not to be supported.
12. The ALPS document makes specific reference to the Torbay Hill area whereby it recommends that structure planning over the area occur in order to facilitate growth. Structure planning should occur prior to, or as part of the process of supporting the proposal at hand. Alternatively the amendment process can be used (similar process to structure planning) to ascertain in conjunction with the community and key stakeholders/government agencies the potential of the specific land parcels.

COMMENT/DISCUSSION

13. Proposal
The application is to rezone 4 lots located on “Torbay Hill” from “Rural” to “Special Rural”, the purpose being to accommodate residential living. The argument for a rezoning to special rural is based on the following:
 - Few environmental impediments exist;
 - The rezoning to special rural is a rounding off of existing zoning in the locality; and
 - The area has access to local facilities such as a local school, a community hall and a shop.
14. Constraints
Access to the properties is via Shelley Beach Road, which is constructed as a gravel road, and there is no deep sewer or reticulated water within the “Torbay Hill” area. Amending documentation needs to address the provision of suitable access, effluent disposal and drinking water.
15. As stated in the ALPS document, *“preliminary investigations indicate that only 40% of existing special rural/residential land around Albany has been developed”*. One of the reasons being, there is a trend away from the larger lots, which require time for maintenance and a growing demand towards smaller lots with a maximum size of 2000m². Amending documentation will need to prove that sufficient demand exists for rural/residential lots (1.0ha and greater) in the Torbay Hill area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

16. There are pockets of dense vegetation on the subject land and adjacent in the West Cape Howe National Park. The vegetation, together with the steep sloping land pose a fire hazard and therefore risk to potential residents. Amending documentation needs to justify the development of the land in accordance with the West Australian Planning Commission and FESA principles for the management of fire risk areas.

Opportunity

17. As already acknowledged, the land is unsuitable for high quality agriculture and therefore may be best utilised for other purposes in keeping with the surrounding land uses. Amending documentation will need to prove that the soil and the slope of the land is unsuitable for high quality agriculture and that the surrounding land, which is used for conservation, agriculture and national parks will not be impacted upon and vice versa from a change of use to rural/residential.
18. There are no obvious or major environmental impediments associated with the proposal and the land is located close to the “Torbay Hill” rural/residential living area, a school, tourism industries and a general store.
19. The land slopes steeply towards the ocean and therefore provides pleasing views, which capture the bays, beaches and islands.

Conclusion

20. Due to the statements made by the Department of Agriculture regarding the poor capability of the land for high quality agriculture and the nature of the land use surrounding (conservation, national park and rural/residential), staff are in support of the proposal.

RECOMMENDATION

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

- i) A land capability assessment proving that the site is capable of development and unsuitable for “high quality agriculture”;
- ii) A conceptual structure plan to address the overall development capability and suitability of the Torbay Hill settlement that includes the subject land;
- iii) A Fire Management Plan;
- iv) Justification for alternative water supply services (alternative to reticulated);
- v) An identification of servicing needs and infrastructure requirements to accommodate future subdivision and development;
- vi) A set of provisions and subdivision guide plan to control land use, subdivision and development - including suitable access, effluent disposal, setbacks, fire management and other; and
- vii) Proof that sufficient demand for rural/residential lots exists in Albany and in particular Torbay Hill.

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from the “Rural” zone to the “Special Rural” zone.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

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

- i) A land capability assessment proving that the site is capable of development and unsuitable for “high quality agriculture”;**
- ii) A conceptual structure plan to address the overall development capability and suitability of the Torbay Hill settlement that includes the subject land;**
- iii) A Fire Management Plan;**
- iv) Justification for alternative water supply services (alternative to reticulated);**
- v) An identification of servicing needs and infrastructure requirements to accommodate future subdivision and development;**
- vi) A set of provisions and subdivision guide plan to control land use, subdivision and development - including suitable access, effluent disposal, setbacks, fire management and other; and**
- vii) Proof that sufficient demand for rural/residential lots exists in Albany and in particular Torbay Hill.**

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from the “Rural” zone to the “Special Rural” zone.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.6 Final Approval for Scheme Amendment - Lot 3 Golf Links Road, Middleton Beach

- File/Ward** : AMD151 (Frederickstown Ward)
- Proposal/Issue** : Rezoning of Lot 3 from “Service Station” and “Special Site No. 16 (Display and sale of art and craft products)” to “Tourist Residential” R30
- Subject Land/Locality** : Lot 3 Golf Links Road, Middleton Beach
- Proponent** : Harley Survey Group
- Owner** : S Amato
- Reporting Officer(s)** : Strategic Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/09/05 - Item 11.3.6
OCM 21/11/06 - Item 11.3.6
- Summary Recommendation** : Grant Final Approval
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. Council resolved at the 21 November 2006 meeting to support a request to rezone Lot 3 Golf Links Road, Middleton Beach from “Service Station” to “Tourist Residential” with a density coding of R30.
2. The proposal was referred to the Environmental Protection Authority (EPA) for assessment and then advertised for a period of 42 days. The EPA determined that the application does not require a formal assessment in accordance with their Act and they provided some advice, which is discussed in the schedule attached at the end of this report.

STATUTORY REQUIREMENTS

3. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.
4. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. Contamination
The underground fuel tanks on the site have been removed, however, site investigations have revealed evidence of contamination. In accordance with the *Environmental Protection Act* and the *Contamination Sites Act*, the amendment to rezone the land can still proceed. However, subdivision and development will not be supported until contamination issues have been adequately dealt with.
9. It is the responsibility of the owner in accordance with the *Contaminated Sites Act 2003* to inform the Contaminated Sites Branch of the concluding report/evidence of contamination and to adequately deal with the remediation of the site prior to development.
10. Conclusion
The request for final approval is supported by staff, as the rezoning is consistent with the surrounding land uses in the Middleton Beach area and it has the potential to increase the availability of tourist accommodation premises within this important City tourist node.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

RECOMMENDATION

1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

2. THAT Council, pursuant to Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:
 - i) rezoning Lot 3 Golf Links Road, Middleton Beach from "Service Station" to "Tourist Residential" with a density code of R30; and
 - ii) amending the scheme maps accordingly.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

1. **THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

AND

2. **THAT Council, pursuant to Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:**
 - i) rezoning Lot 3 Golf Links Road, Middleton Beach from "Service Station" to "Tourist Residential" with a density code of R30; and**
 - ii) amending the scheme maps accordingly.**

CARRIED 13-1

Record of Vote:

For the motion: Mayor Goode, Councillors Marshall, Paver, Bojcun, Emery, Wellington, Waterman, Williams, Jamieson, Wolfe, Walker, West and Lionetti

Against the motion: Councillor Wiseman

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Planning & Development Act 2005

Town Planning Scheme No. 1A - Amendment No. 151

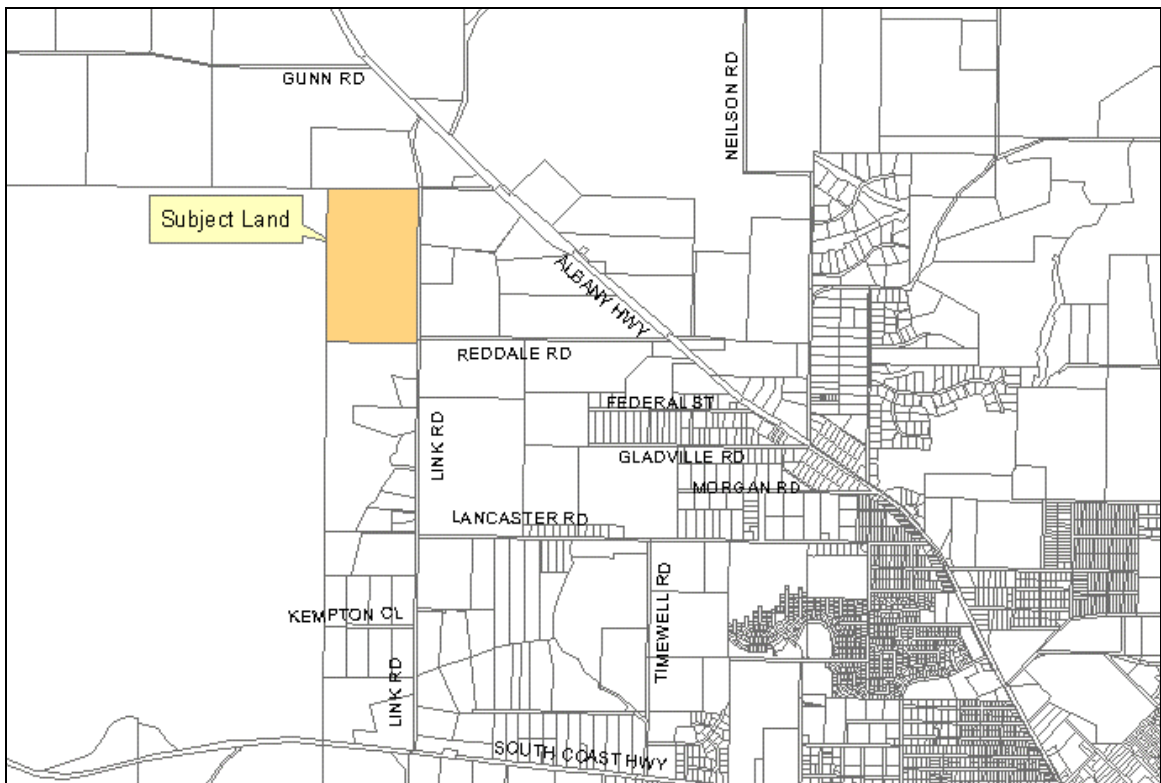
Schedule of Submissions for rezoning Lot 3 Golf Links Road, Middleton Beach
from 'Service Station' to 'Tourist Residential' with a density coding of R30
and modifying the Scheme Map accordingly.

No	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority PO Box K822 Perth WA 6842	<p>a) The proposed scheme amendment does not require a formal assessment in accordance with the <i>Environmental Protection Act</i>.</p> <p>b) The EPA recommends that a Preliminary Site Investigation (PSI) should be undertaken prior to the rezoning of the site.</p>	<p>a) Nil</p> <p>b) Preliminary site investigations have already been undertaken to determine that the site is contaminated. Remediation is required prior to development and subdivision of the site.</p>	<p>a) Noted</p> <p>b) Noted</p>

DEVELOPMENT SERVICES REPORTS

11.3.7 Final adoption of Subdivision Guide Plan for Amendment 179 - Lots 50 & 51, Link Road, Marbellup

- File/Ward** : 5258A (West Ward)
- Proposal/Issue** : Final adoption of Subdivision Guide Plan for Amendment 179
- Subject Land/Locality** : Lots 50 & 51, Link Road, Marbellup
- Proponent** : Ayton Taylor Burrell
- Owner** : Knotts Group Pty Ltd
- Reporting Officer(s)** : Strategic Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 12/03/98 - Item 13.3.1
OCM 19/07/05 - Item 11.3.4
OCM 18/4/06 - Item 11.3.7
OCM 19/12/06 - Item 11.3.1
- Summary Recommendation** : Support the request for final adoption
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

BACKGROUND

1. Council previously granted final approval (18 April 2006) to rezone lots 50 and 51 from “Rural” to “Special Rural” with provisions and a subdivision guide plan to control development.
2. Following the final approval by Council, the documents were referred to the Department for Planning and Infrastructure (DPI) for approval of the Minister. The proponent then intervened, requesting that Council support the adoption of a revised subdivision guide plan. The City subsequently sent a letter to the DPI requesting that the application to the Minister be withdrawn until further notice. The DPI advised the City that in order to consider the request, the revised plan would need to be advertised and adopted by the Council.
3. The revised plan has now been advertised for a period of 42 days with no submissions being received, hence this request for the adoption of the subdivision guide plan.

STATUTORY REQUIREMENTS

4. Council is required under section 75 of the Planning and Development Act to consider submissions lodged on a scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. Proposal
The existing subdivision plan includes 32 lots, ranging in size from 1.5 to 3.8 hectares and with an internal access road. The objective of the new plan is to provide a more efficient use of the land by providing 46 lots (14 additional lots), ranging in size from 1.1 to 1.8 hectares and with internal access roads. The revised plan complies with the minimum lot size of 1 hectare as required by the proposed scheme provisions for the area. The revised plan is in-line with the “Preferred Long-Term Development Option” (Plan 04-67-16.ATB), which has been adopted by the Council and approved by the Main Roads Department Western Australia.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Ring Road Alignment

9. The indicative ring road alignment and a 50 metre acoustic setback area, as illustrated on the guide plan (refer to bulletin), places restrictions on the size and location of building envelopes in the area. The proponent has provided an additional plan to prove that there is enough area left for buildings after taking into account the ring road and the acoustic setback requirement. For example, Lots 26 and 27 are the most constrained but still have a building envelope of approximately 1400m² (20.0m by 70.0m), which is large enough to accommodate buildings.
10. The proponent has made the comment that the Main Roads WA is considering moving the ring road alignment to the east, which may provide the potential for even larger building envelopes.

Conclusion

11. The difference between the original and the proposed plan is the increase in the number of lots, the decrease in the area of each lot and an alternative arrangement of roads. These variations:
 - comply with the provisions adopted for the area;
 - comply with the “Preferred Long-Term Development Option”;
 - make allowance for the ring road when considering building envelopes;
 - provides for a more efficient use of land; and
 - provides for lot sizes more in-line with the current demand (manageable).

RECOMMENDATION

1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

2. THAT Council, supports the revised plan for the development of Lots 50 and 51 Link Road, Marbellup.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EMERY**

1. **THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

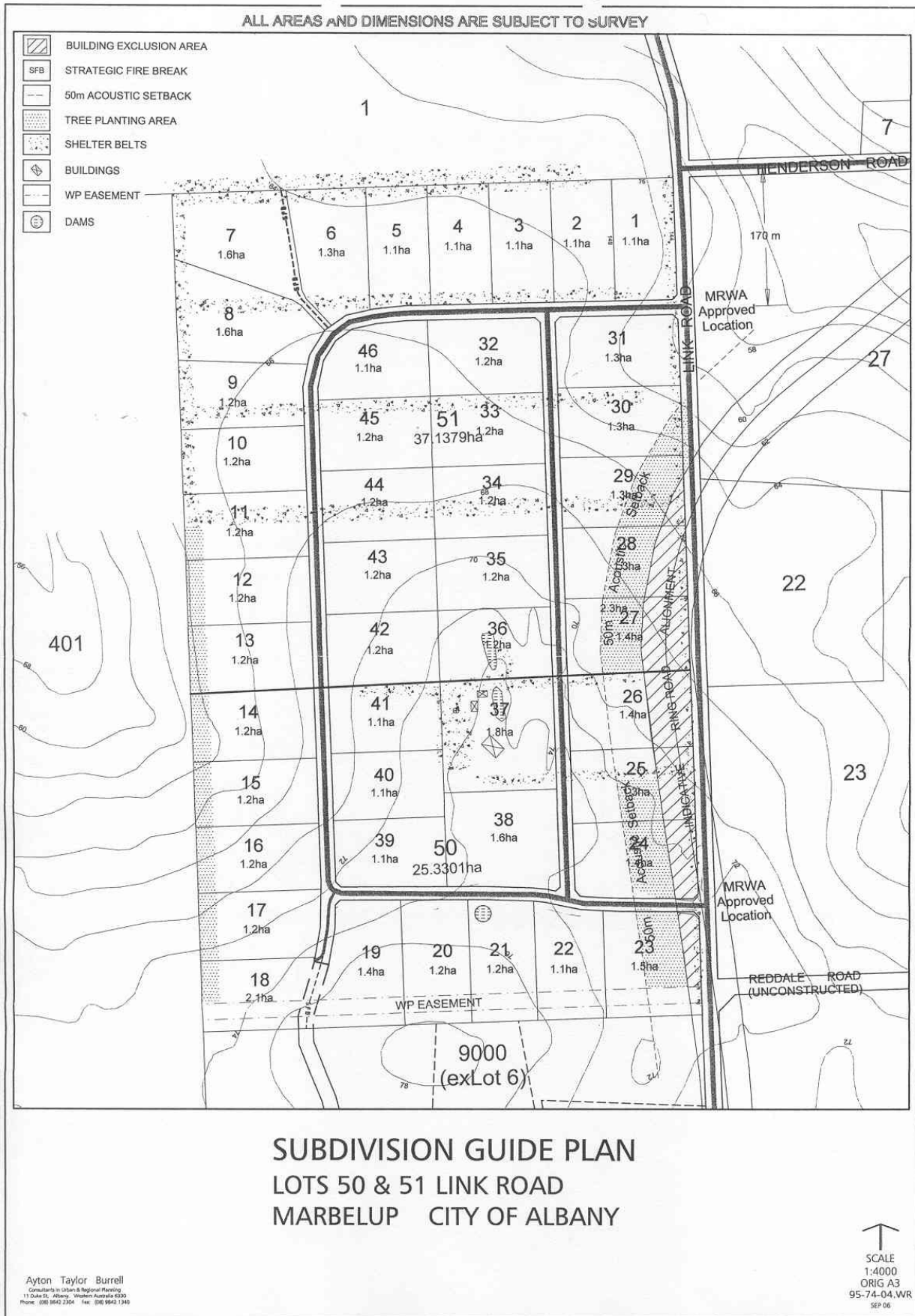
AND

2. **THAT Council, supports the revised plan for the development of Lots 50 and 51 Link Road, Marbellup.**

CARRIED 14-0

ORDINARY COUNCIL MEETING MINUTES – 20/03/07
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Planning & Development Act 2005
Town Planning Scheme No. 3 - Amendment No. 179

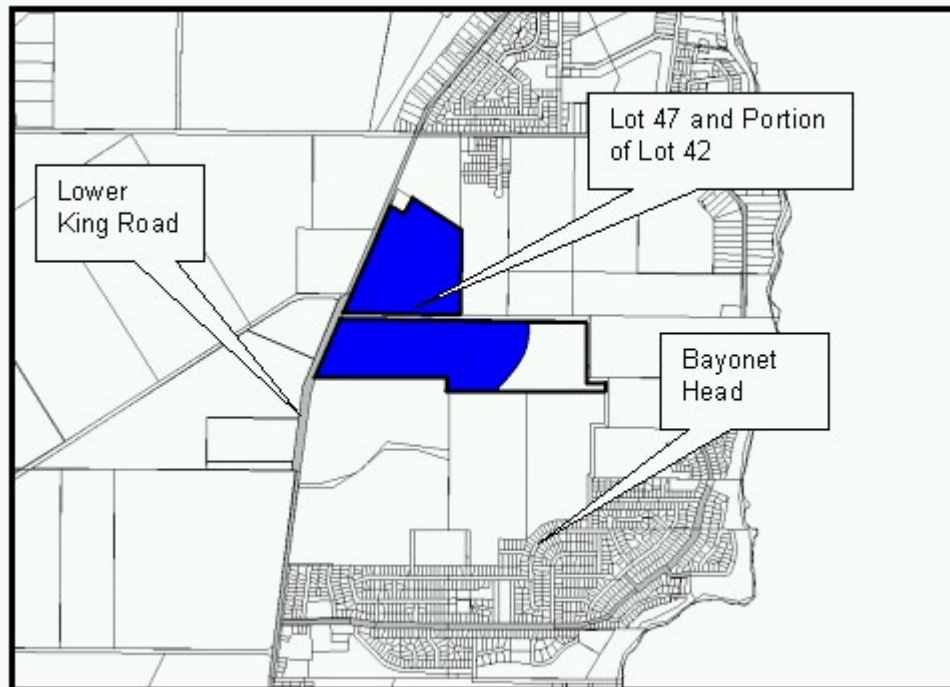
Schedule of Submissions for revised subdivision guide plan for Lots 50 & 51, Link Road, Marbellup

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Nil			

DEVELOPMENT SERVICES REPORTS

11.3.8 Final Approval for Amendment - Lots 42 and 47 Lower King Road, Bayonet Head

- File/Ward** : AMD260 (Yakamia Ward)
- Proposal/Issue** : Formal request to rezone Lot 47 and portion of Lot 42 Lower King Road from the “Rural” zone to the “Residential Development” zone
- Subject Land/Locality** : Lots 42 and 47 Lower King Road, Bayonet Head
- Proponent** : Chappell Lambert Everett
- Owner** : State Housing Commission (Lot 47)
R Fenney (Lot 42)
- Reporting Officer(s)** : Strategic Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/11/06 - Item 18.1
- Summary Recommendation** : Grant Final Approval
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

BACKGROUND

1. Council resolved at the 21 November 2006 meeting to support a request to rezone Lot 47 and Part of Lot 42 from “Rural” to “Residential Development”.
2. The application was referred to the Environmental Protection Authority (EPA) and the Department of Water and advertised for 42 days to the general public, up until the 22 February 2007. Submissions have been tabled in the schedule attached to this report item.

STATUTORY REQUIREMENTS

3. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

4. Applicable State Planning Policies are the “SPP1” (State Planning Framework Policy) and “SPP2” (Environment and Natural Resources Policy). The primary aim of SPP1 is *“to provide for the sustainable use and development of land”*. The primary aim of SPP2 is *“to protect and conserve the natural environment”*. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

5. Financial implications may arise for road and drainage upgrading and the ongoing maintenance of public open space.

STRATEGIC IMPLICATIONS

6. The Albany Local Planning Strategy (draft 2005) document indicates the subject land as being an ideal location to accommodate a local centre and residential development. The main reason being its location relative to services, infrastructure and other residential areas.
7. The land to the east is more environmentally sensitive and has therefore been indicated as reserved land (public open space-passive). The amendment only deals with the cleared land on the western side of the subject lots. The eastern portion is to remain in the “Rural” zoning, to be evaluated for future rezoning following the EPA’s evaluation of the Public Environmental Report over the area.

COMMENT/DISCUSSION

8. Proposal
The rezoning to “Residential Development” is proposed to facilitate further staged development, the rationale of which falls in line with an adopted “Outline Development Plan” (ODP) for Bayonet Head, a “Concept Plan” (revised from the existing ODP) and an already approved subdivision to the north.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

9. The rezoning proposed (Residential Development) is consistent with the areas allocated for residential development in the Bayonet Head “ODP” and the recently prepared City of Albany draft Local Planning Strategy.

Submissions

10. Since the initiation stage of this amendment application, comments were received from the Environmental Protection Authority (EPA) and the Department of Water (DoW). The applicant submitted information to address any outstanding concerns relating to Aboriginal Heritage and Traffic Management.
11. The EPA and DoW highlighted the necessity to protect and rehabilitate the degraded wetland(s) and creek line(s) throughout the area. Their concerns have been noted and an assessment is to be undertaken at the structure planning and subdivision stages of development.
12. An Aboriginal Survey of the area identified a potential heritage site located on the subject land, being “Albert Knapp’s Seasonal Campsite”. A Section 18 clearance in accordance with the Aboriginal Heritage Act is being sought in relation to this. The Traffic Report concluded that *“in the longer term, upgrading of the Lower King Road may be required, and that proportional contribution towards this would be appropriate”*.
13. The obligations imposed for traffic management, or as may be required under the Aboriginal Heritage Act, are not an impediment to the finalization of this Scheme Amendment as they can be dealt with at the structure planning, subdivision and development stages.

Conclusion

14. The rezoning is considered appropriate and consistent with the direction set by Council in its planning documents and all the comments raised can be dealt with during subsequent stages. The rezoning will allow for the implementation of the area’s Outline Development Plan (both current or as amended) and the release of a further stage of this emergent residential community to meet current land shortages. Staff therefore recommend that the application be granted final approval.

RECOMMENDATION

1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

2. THAT Council, in pursuance of Section 75 of the Planning and Development Act resolves to amend the City of Albany’s Town Planning Scheme No. 3 by rezoning Lot 47 and Part of Lot 42 from “Rural” to “Residential Development” and modifying the Scheme Map accordingly.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR BOJCUN**

1. **THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

AND

2. **THAT Council, in pursuance of Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by rezoning Lot 47 and Part of Lot 42 from "Rural" to "Residential Development" and modifying the Scheme Map accordingly.**

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

DEVELOPMENT SERVICES REPORTS

Planning & Development Act 2005

Town Planning Scheme No. 3 - Amendment No. 260

Schedule of Submissions for rezoning Lots 42 and 47 Lower King Road, Bayonet Head from 'Rural' to 'Residential Development' and modifying the Scheme Map accordingly.

No	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority PO Box K822 Perth WA 6842	<p>a) The proposed scheme amendment does not require a formal assessment in accordance with the <i>Environmental Protection Act</i>.</p> <p>b) Rehabilitation of the degraded wetland/s and creek line/s is highly recommended.</p> <p>c) The width of the dryland buffer needs to be determined in accordance with suitable assessment and the EPA's <i>Guidance Statement No. 33</i>.</p> <p>d) A stormwater management plan needs to be implemented to incorporate water sensitive urban design and ongoing water monitoring.</p> <p>e) A small proportion of the amendment area has a potential high risk of Acid Sulphate Soils. This area is to be retained within a POS corridor. Any variations to this proposal will require detailed site investigations and management plans.</p>	<p>a) Nil</p> <p>b) This can be assessed in more detail at the structure planning stage and made a requirement at the subdivision stage prior to the clearance of titles.</p> <p>c) As per the officer comment 1(b).</p> <p>d) As per the officer comment 1(b).</p> <p>e) Nil</p>	<p>a) Noted</p> <p>b) Noted</p> <p>c) Noted</p> <p>d) Noted</p> <p>e) Noted</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

No	Submitter	Submission	Officer Comment	Council Recommendation
		<p>f) Consultation with the WA Museum and aboriginal groups will need to be undertaken to determine the significance of any aboriginal sites.</p> <p>g) The EPA further advises that the environmental issues relating to the 'Revised Draft Outline Development Plan' have not been assessed as part of the review of this amendment application.</p>	<p>f) An Aboriginal Survey has been undertaken for the area. A potential heritage site has been located on the subject land, being the 'Albert Knapp's Seasonal Campsite'.</p> <p>g) Nil</p>	<p>f) Noted</p> <p>g) Noted</p>
2.	Department of Water 5 Bevan Street ALBANY WA 6330	<p>a) Urban Water Design principles should be discussed as being the approach to addressing drainage and nutrient management across the development site.</p> <p>b) Wetland and natural drainage lines should be clarified and management principles incorporated for protection and rehabilitation of the wetland area/s in Lot 42. The environmental summary provided as part of the amendment does not identify the wetland on Lot 42 but acknowledges the retention of the paperbarks.</p>	<p>a) As per the officer comment 1(b).</p> <p>b) It is envisaged that the wetland and natural drainage line within Lot 42 will be discussed in greater detail at the subdivision stage and revision of the Outline Development Plan.</p>	<p>a) Noted</p> <p>b) Noted</p>
3.	Chappell Lambert Everett PO Box 796 Subiaco WA 6904	a) An Aboriginal Survey of the area has identified a potential heritage site located on the subject land, being 'Albert Knapp's	a) The development of the area can be dealt with once the outcome of the Section 18 clearance has been completed. The outcome of the clearance is not an	a) Noted

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

No	Submitter	Submission	Officer Comment	Council Recommendation
		<p>Seasonal Campsite'. A Section 18 clearance in accordance with the Aboriginal Heritage Act is being sought in relation to this.</p> <p>b) The Traffic Report does not anticipate any difficulty being generated by the development of the site, however, in the longer term, upgrading of the Lower King Road may be required, and that proportional contribution towards this would be appropriate.</p>	<p>impediment to the rezoning of the land.</p> <p>b) As per the officer comment 1(b).</p>	<p>b) Noted</p>

DEVELOPMENT SERVICES REPORTS

11.3.9 Review of City of Albany Town Planning Scheme Policies - Various Policies

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of Policies relating to: <ul style="list-style-type: none"> • Pedestrian Policy • Pedestrian - Landscape Area Policy • Façade Policy • Restricted Access Policy • Weather Protection Policy • Parking • Materials • Exemptions
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies
Bulletin Attachment	:	<ul style="list-style-type: none"> • Pedestrian Policy • Pedestrian - Landscape Area Policy • Façade Policy • Restricted Access Policy • Weather Protection Policy • Parking • Materials • Exemptions
Locality Plan	:	N/A

BACKGROUND

1. Council staff, in the process of going through the Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Pedestrian Policy** - Adopted in 1983, this policy sought to ensure adequate pedestrian facilities were provided in accordance with the Central Area Policy Plan.
 - b. **Pedestrian - Landscape Area Policy** - Adopted in 1983, this policy sought to ensure 10% of the developed land within the Central Area was retained for pedestrian landscape area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

- c. **Façade Policy** - Adopted in 1983, this policy sought to ensure facades built within the Central Area were sympathetic to the visual Heritage amenity of the area.
- d. **Restricted Access Policy** - Adopted in 1983, this policy sought to prevent the development of streets where they would impinge on the traffic flow and the safety of drivers and pedestrians.
- e. **Weather Protection Policy** - Adopted in 1983, this policy sought to ensure adequate weather protection was provided for pedestrians throughout the Central Area.
- f. **Parking** - Adopted in 1983, this policy sought to make space available for car parking within the Central Area on a cash contribution or land transfer basis when developments did not have adequate area for car parking on site.
- g. **Materials** - Adopted in 1983, this policy sought to ensure buildings within the Central Area are built of structurally and aesthetically appropriate materials.
- h. **Exemptions** - Adopted in 1983, this policy states that if public floor space did not increase or a change of permitted use did not occur, the other Central Area policies did not apply.

STATUTORY REQUIREMENTS

2. City of Albany Town Planning Scheme No 1A, Clause 7.21.3 states:
A Town Planning Scheme policy may only be altered or rescinded by:
 - (a) *Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
 - (b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

POLICY IMPLICATIONS

3. Council had over 160 policies applying to land use development in Albany and surrounds. This is an opportunity to review the number of policies and rationalise where possible.

FINANCIAL IMPLICATIONS

4. The cost of advertising the rescission of the policies will be borne by Council.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

Mission Statement:

The City of Albany is committed to:

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

Priority Projects:

- *21. Development Control Function Review; and*
- *58. Policy and Procedure Manual.*

COMMENT/DISCUSSION

6. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.

Policy 26:- Pedestrian Policy

7. The intent of this policy is to be commended, however a lack of a suitable plan to support the policy resulted in the arcade near the Albany Advertiser building being converted into retail floor space. This policy has been ineffectual in obtaining additional pedestrian access between the rear of lot car parking and the public road fronting that CBD land parcel due to it’s limiting nature.

8. Elsewhere within the CBD, a series of public “Rights of Way” already exist and it is proposed in the Defining Central Albany (DCA) policy document that these be retained and upgraded. The DCA policy provides a more comprehensive framework to provide pedestrian access and to also integrate the development adjoining that access way, than does this policy. The DCA will be supported in the near future with the relevant Precinct Plan attached to the ALPS document.

Policy 27:- Pedestrian - Landscape Area Policy

9. This policy simply restates the provisions in Scheme 1A. Because the policy does not define to which it applies, it is in conflict with the Scheme for 12 of the 14 zones in that Scheme. Where the policy conflicts with the Scheme, the Scheme provisions prevail and the extent of landscaping will be greater or smaller, depending on the zone provisions.

Policy 28:- Façade Policy

10. This policy seeks to provide a suitable context for both State and local heritage sites by prescribing the form of the development on an adjoining lot. For items on the Register of State Heritage Places, the Heritage Act has a statutory requirement that all development within the curtilage of the State site to be referred to the Heritage Council of WA. On the other hand, the Municipal Inventory is simply a list of sites / places of local heritage importance and Council has limited development control over the site, let alone dictate what form the development on the adjoining land parcel should take.

11. The development guidelines prepared by Mr DeVilliers ensure new buildings respect other buildings in the CBD and there is a continuity in setbacks, heights, etc of buildings. This policy sought to define certain façade treatments and that objective was problematic.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

Policy 29:- Restricted Access Policy

12. When assessing development proposals, one of the matters that requires consideration under Clause 7.8A of the Scheme, is traffic movements within the subject site. Group and multiple dwelling developments usually rely upon a single driveway to maximise the private open space available within the site. Where additional driveways are included, those driveways serve a single dwelling unit. Commercial developments generally have larger frontages and there is a need for service vehicles and customers to be segregated.
13. In both of the above instances, traffic management solutions are tailored to suit the development and the introduction of a policy on access arrangements adds little to the approval process.

Policy 30:- Weather Protection Policy

14. Part of the process of preparing the Defining Central Albany policy and the Development Guidelines policy involved an assessment of pedestrian movements within the Central Area zone. The Weather Protection Policy requires all development within the CBD to incorporate “a verandah, awning or colonnade to provide weather protection for pedestrian movement”.
15. The more recent evaluation has found that certain streets within the CBD are more car dependent and they have been extensively redeveloped without weather protection being provided. To provide weather protection on buildings fronting Aberdeen Street, Collie Street and Duke Street would create an inconsistent urban form and potentially impact upon the character of the street. The latter policy framework is more definitive and has greater capacity to be implemented than the “one solution fits all” approach of the Weather Protection policy.

Policy 31:- Parking

16. Since 1983, Councils from the former Town of Albany and the City of Albany commissioned several reports that have dealt with car parking arrangements. The most recent were the Defining Central Albany policy and the Development Guidelines policy, both of which place the onus upon the developer to provide the required number of car parking bays on-site, to provide a cash in lieu payment for car parking deficiencies or obtain Council approval to waive / reduce the car parking provision on that CBD site. Clause 7.8A of Town Planning Scheme 1A requires a developer to provide car parking on-site to Council’s satisfaction and the Parking policy has been superseded.

Policy 32:- Materials

17. Since 1983, there has been major expansion in the types of building materials available for construction purposes. Those materials can be rendered or painted to appear as if they are masonry, brick, fibro or stone.
18. Within the CBD, there is a need to accommodate both traditional built form and contemporary buildings and variations in urban fabric require flexibility in building materials. Also, without the CBD being defined as a heritage precinct or a urban design precinct, the capacity to mandate building materials is seriously eroded.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

Policy 33:- Exemptions

19. The Exemptions Policy restates the obvious. Council cannot impose additional development standards on a landowner where the leased floor space and the underlying land use do not change on the site. Converting a clothing shop to a gift shop does not change the land use or suddenly increase the car parking demands for that site.

Conclusion:

20. As detailed in earlier sections of this agenda report, there are still over 140 Town Planning policies remaining on Councils' records and many of those policies are no longer utilised, but they have never been officially revoked. Staff request that Council undertake that procedural step for the eight (8) policies described above.

RECOMMENDATION

THAT Council rescinds and not replace the policies entitled:

- Pedestrian Policy
- Pedestrian - Landscape Area Policy
- Façade Policy
- Restricted Access Policy
- Weather Protection Policy
- Parking
- Materials
- Exemptions

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR JAMIESON**

THAT Council rescinds and not replace the policies entitled:

- **Pedestrian Policy**
- **Pedestrian - Landscape Area Policy**
- **Façade Policy**
- **Restricted Access Policy**
- **Weather Protection Policy**
- **Parking**
- **Materials**
- **Exemptions**

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS**11.3.10 Review of City of Albany Town Planning Scheme Policies - Various Policies**

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of policies relating to: <ul style="list-style-type: none"> • Private Holiday Home Development • Vehicular Access to Grouped Housing • Vehicle Crossover Openings • Sealing of Crossovers and internal access roads • Bed and Breakfast Accommodation • Albany Award - Aims and Principles
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies
Bulletin Attachment	:	<ul style="list-style-type: none"> • Private Holiday Home Development • Vehicular Access to Grouped Housing • Vehicle Crossover Openings • Sealing of Crossovers and internal access roads • Bed and Breakfast Accommodation • Albany Award - Aims and Principles
Locality Plan	:	N/A

BACKGROUND

1. Council staff in the process of going through the Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Private Holiday Home Development** - This policy was adopted under the Local Rural Strategy and sought to encourage facilities which would be available to the general public where land is considered suitable for tourism development.
 - b. **Vehicular Access to Grouped Housing** - Adopted in 1988, this policy sought to ensure adequate access ways were provided when there was more than 2 dwellings on a residential development.
 - c. **Vehicle Crossover Openings** - Adopted in 1987, this policy sought to provide, at the cost of Council, a crossover and kerbing to allow vehicle access to a residential site when no property access had been provided.

DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

- d. **Sealing of Crossovers and internal access roads** - Adopted in 1989, this policy sought to ensure crossovers and internal access roads were constructed to eliminate deposits of unwanted material on the road carriage way.
- e. **Bed and Breakfast Accommodation** - Adopted in 1989, this policy sought to provide guidelines for the provision of B&B accommodation for a maximum of 4 people and to encourage the provision of high standard short stay accommodation.
- f. **Albany Award - Aims and Principles** - Adopted in 1989, this policy sought to recognise and publicise contributions to Albany's built environment.

STATUTORY REQUIREMENTS

2. **City of Albany Town Planning Scheme No 1A, Clause 7.21.3** states:
A Town Planning Scheme policy may only be altered or rescinded by:
 - (a) *Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
 - (b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*
3. **City of Albany Town Planning Scheme No 3, Clause 6.9.3** states:
A Town Planning Scheme Policy may only be altered or rescinded by:
 - (a) *Preparation and Final Adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.*
 - (b) *Publication of a Formal Notice of Rescission by the Council twice in a newspaper circulating in the area.*

POLICY IMPLICATIONS

4. Council had over 160 policies applying to land use development in Albany and surrounds. This is an opportunity to review the number of policies and rationalise where possible.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

Mission Statement:

The City of Albany is committed to:

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

Priority Projects:

- *21. Development Control Function Review; and*
- *58. Policy and Procedure Manual.*

COMMENT/DISCUSSION

7. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.

Policy 34:- Private Holiday Home Development

8. This policy was developed as part of the Local Rural Strategy and forms part of a suite of guidelines dealing with the size and the type of tourist facilities constructed on rural zoned land. The policy introduces terminology (private holiday home) that is inconsistent with the scheme text and general town planning jargon, thereby creating uncertainty over the application of the policy. The Local Rural Strategy has been overly restrictive on the types of tourism development that can be undertaken within close proximity to the coast and on land with marginal agricultural potential; landowners wishing to undertake genuine tourism development (in some instances for two extra chalets) have been delayed whilst they have been required to pursue a scheme amendment for their development.
9. On a rural land parcel, a landowner is generally permitted to construct a single dwelling. If that dwelling is occupied for short periods of the year (as a private holiday home), this policy precludes that development from being undertaken; defending that decision on appeal would be onerous.

Policy 35:-Vehicle Access to Group Housing

10. As detailed in the comments on policy 29 (Restricted Access Policy) in the previous agenda item, access to private developments must be judged on their merits, taking into consideration a number of design and site specific considerations. A standard six cylinder motor vehicle has a width of approximately 2.1m and designers allow a 300mm clear area either side of those vehicles to allow for steering movements, etc. There is no reason why Council needs to prescribe a minimum width as any design error can be quickly resolved upon inspection of the plans.
11. Low volume public streets are constructed to a width of 5.5m and Council’s Development and Subdivision Guidelines allows laneways, etc to be built to a narrower width. It is therefore inappropriate to force developers of Group Development projects to build an internal driveway to a width greater than a public road, particularly when the traffic within a group housing site is travelling at lower speeds and there is less volume. Designers are able to provide passing points within larger Group Housing developments to remove the need for large driveways within the development and the paved areas that would be required under the policy are then replaced with landscaping which adds to the visual qualities of the development.

DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

Policy 36:- Vehicle Crossover Openings

12. The need for this policy has been superseded by the City's Development and Subdivision Guidelines. The creation of this policy under the Scheme is also questionable.

Policy 37:- Sealing of Crossovers and Internal Access Roads

13. Requiring internal driveways to be paved as a condition of Building Licence approval can be regulated under the Local Government (Miscellaneous Provisions) Act and this policy should not have been created under the Scheme provisions.

Policy 38:- Bed and Breakfast Accommodation

14. This policy has no relevance. It restates standards that exist within other legislation and fails to address other important standards that relate to bed and breakfast (B&B) accommodation. The siting of B&B developments are regulated by the Scheme provisions and there is discrepancy between the Health Act and this policy on the number of beds that comprise a B&B development; the SAT is likely to give greater weight to the Health Act when determining the merits of an application for a short stay development capable of accommodating more than four persons.

Policy 39:- Albany Awards - Aims and Principles

15. For a period of approximately eight years, the former Town Council conducted an annual competition to reward those landowners who built aesthetically pleasing projects within its District that added to the built environment and preserved, restored or adapted older buildings. The Albany Awards were highly prized by designers and landowners and assisted in promoting quality design at a time when new development was proceeding at a very low rate and the cost of refurbishing older buildings was marginal.
16. During the mid 1990s, building prices began to appreciate and CBD rentals increased considerably. As a result, designers began to respond to aesthetic and heritage considerations in a more responsible manner, particularly when new facades to CBD properties and the replacement of verandas were planned. Council agreed, through the budget process, to replace the Albany Awards with funding for a Regional Heritage Advisor; during this period the cost and resources involved in arranging the award judging was becoming more onerous. Funding of that advisor has remained within recent City budgets and greater benefit has been gained by providing landowners with access to a heritage advisor at the commencement of redevelopment projects.

Conclusion:

17. As detailed in earlier sections of this agenda report, there are still over 140 Town Planning policies remaining on Councils' records and many of those policies are no longer utilised but they have never been officially revoked. Staff request that Council undertake that procedural step for the six (6) policies described above.

DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

RECOMMENDATION

THAT Council, rescind and not replace the policies entitled:

- Private Holiday Home Development
- Vehicular Access to Grouped Housing - 1988
- Vehicle Crossover Openings - 1987
- Sealing of Crossovers and internal access roads - 1989
- Bed and Breakfast Accommodation - 1989
- Albany Award - Aims and Principles – 1989

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A and Clause 6.9.3 of the City of Albany Town Planning Scheme No 3.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WATERMAN**

THAT Council, rescind and not replace the policies entitled:

- **Private Holiday Home Development**
- **Vehicular Access to Grouped Housing - 1988**
- **Vehicle Crossover Openings - 1987**
- **Sealing of Crossovers and internal access roads - 1989**
- **Bed and Breakfast Accommodation - 1989**
- **Albany Award - Aims and Principles – 1989**

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A and Clause 6.9.3 of the City of Albany Town Planning Scheme No 3.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.11 Review of City of Albany Town Planning Scheme Policies - Various Policies

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of Policies relating to: <ul style="list-style-type: none"> • Issue of Planning Consent to Development application • Planning Consents - Time Limits • Conditions of Planning Consents - Special Provision for Conditions not of a continuing nature • Road Widening - Amalgamations • Places of Heritage Value - Advertising requirements • Development of Land Reserve under TPS 1A
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies
Bulletin Attachment	:	<ul style="list-style-type: none"> • Issue of Planning Consent to Development application • Planning Consents - Time Limits • Conditions of Planning Consents - Special Provision for Conditions not of a continuing nature • Road Widening - Amalgamations • Places of Heritage Value - Advertising requirements • Development of Land Reserve under TPS 1A
Locality Plan	:	N/A

DEVELOPMENT SERVICES REPORTS

Item 11.3.11 continued

BACKGROUND

1. Council staff in the process of going through the Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Issue of Planning Consent to Development application** - Adopted in 1982, this policy sought to regulate the approval process of development applications by conditionally delegating the decision process.
 - b. **Planning Consents - Time Limits** - Adopted in 1982, this policy stated time limits for different development to be completed on a lot to avoid unfavourable visual amenity factors.
 - c. **Conditions of Planning Consents - Special Provision for Conditions not of a continuing nature** - Adopted in 1982, this policy sought to ensure new developments were not used or occupied until certain conditions had been met.
 - d. **Road Widening - Amalgamations** - Adopted in 1986, this policy sought to ensure adequate road space and access was allowed for when undertaking intensive developments such as subdivision of lots.
 - e. **Places of Heritage Value - Advertising requirements** - Adopted in 1986, this policy sought to regulate development to heritage listed properties without appropriate consultation and approval processes being followed.
 - f. **Development of Land Reserve under TPS No 1A** - Adopted in 1982, this policy sought to regulate land development to ensure short term development did not conflict with the long term and ultimate development goals.

STATUTORY REQUIREMENTS

2. The City of Albany Town Planning Scheme No 1A, Clause 7.21.3 states:
A Town Planning Scheme policy may only be altered or rescinded by:
 - (a) *Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
 - (b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

POLICY IMPLICATIONS

3. Council had over 160 policies applying to land use development in Albany and surrounds. This is an opportunity to review the number of policies and rationalise where possible.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.11 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to:

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

Priority Projects:

- *21. Development Control Function Review; and*
- *58. Policy and Procedure Manual.*

COMMENT/DISCUSSION

6. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.

Policy 40:- Issue of Planning Consent to Development Applications

7. The Local Government Act and Town Planning Scheme 1A both prescribe Council’s obligations when delegating authority to staff or a Council committee to process a development application. The Development Guidelines and the list of delegations being sought by staff is reviewed annually by Council and a list of applications processed under delegated authority is appended to the Elected Members Report / Information Bulletin on a monthly basis. The policy was made redundant prior to the creation of the City.

Policy 41:- Planning Consents - Time Limits

8. The format of the Notice of Planning Scheme Consent is specified in the Schedule attached to the Scheme and the Scheme Notice stipulates that the consent shall be valid for a period of two (2) years. Unless Council specifically resolves to the contrary, all approvals will be valid for that period.
9. Council has been briefed on the ramifications of using the Model Scheme Text provisions for the upcoming Community Planning Scheme. The Model Scheme Text prescribes that Council may issue a temporary approval and Council will be consulted at a future date on a policy framework for the utilisation of temporary approvals.

DEVELOPMENT SERVICES REPORTS

Item 11.3.11 continued

Policy 42:- Conditions of Planning Consents - Special Provisions for Conditions not of a Continuing Nature

10. This policy sought to prevent the occupation of premises where conditions that were not of a continuing nature (eg. car parking is to be installed, line marked and appropriately lit) have not been completed. The Planning and Development Act 2005 does not have injunction powers and Council would be required to serve Notice upon the landowner if a building was occupied contrary to a Notice of Planning Scheme Consent. Upon the creation of complementary regulations to support the Planning and Development Act 2005, Council will be able to issue infringement notices for clearly defined breaches (to be specified in the regulations) of a Notice of Planning Scheme Consent.
11. The Building Code of Australia requires a landowner of a public building to obtain a Certificate of Classification prior to the occupation of the building and that certificate covers such matters as fire safety, access to toilets, public safety and ventilation. Owners of dwelling units are not required to obtain a Certificate of Classification. Previously, staff sought to utilise the issuing of this certificate as a mechanism to enforce planning conditions and that practice was found to be illegal.
12. The intent of the policy is commendable, however the implementation of the policy is problematic.

Policy 43:- Road Widenings - Amalgamations

13. Where road widenings are required for longer term community purposes, the opportunity is taken during the subdivision process, including the amalgamation of titles or Strata Titling of land, to have the required land ceded free of cost to the Crown as a condition of subdivision approval.
14. These requests are supported on appeal where road widening plans are clearly defined and there is consistency in the requesting of widenings. With continual staff changes, the need has been identified to have road widening proposals committed to electronic records and to strategic town plans (eg ALPS and future Precinct Plans) where they can be publicly displayed.

Policy 44:- Places of Heritage Value - Advertising Requirements

15. Town Planning Scheme 1A and the Delegation Guidelines, adopted annually by Council, both prescribe Council's obligations when process a development application for a Place of Heritage Value. This policy has been superseded by the guidelines.

Policy 45:- Development of Land Reserved Under Town Planning Scheme 1A

16. Town Planning Scheme 1A and the Delegation Guidelines, adopted annually by Council, both prescribe Council's obligations when process a development application upon reserved land. The Scheme states that land shall only be developed in accordance with the purpose of the reserve and the Staff delegation is drafted accordingly. Where a reserve is to be developed other than in accordance with the reserve purpose, the application is automatically referred to Council. This policy simply restates the Scheme provisions.

Conclusion:

17. As detailed in earlier sections of this agenda report, there are still over 140 Town Planning policies remaining on Councils' records and many of those policies are no longer utilised but they have never been officially revoked. Staff request that Council undertake that procedural step for the six (6) policies described above.

DEVELOPMENT SERVICES REPORTS

Item 11.3.11 continued

RECOMMENDATION

THAT Council, rescind and not replace the policies entitled:

- Issue of Planning Consent to Development application - 1982
- Planning Consents - Time Limits - 1982
- Conditions of Planning Consents - Special Provision for Conditions not of a continuing nature - 1982
- Road Widenings - Amalgamations - 1986
- Places of Heritage Value - Advertising requirements - 1986
- Development of Land Reserve under TPS 1A - 1982

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT Council, rescind and not replace the policies entitled:

- **Issue of Planning Consent to Development application - 1982**
- **Planning Consents - Time Limits - 1982**
- **Conditions of Planning Consents - Special Provision for Conditions not of a continuing nature - 1982**
- **Road Widenings - Amalgamations - 1986**
- **Places of Heritage Value - Advertising requirements - 1986**
- **Development of Land Reserve under TPS 1A - 1982**

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

Nil

11.5 DEVELOPMENT SERVICE COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

File/Ward	:	FIN040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Council adopt the list of accounts for payment.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques		Totalling	\$76,007.62
Electronic Fund transfer		Totalling	\$2,475,404.71
Credit Cards		Totalling	\$4,961.72
Payroll		totalling	\$632,203.00
Total			<u>\$3,188,577.05</u>

- As at 6th March 2007, the total outstanding creditors, stands at \$288,451.12
- Cancelled Cheques 22900

RECOMMENDATION

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

Municipal Fund	Totalling	<u>\$3,188,577.05</u>
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Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 20/03/07
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EMERY**

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

Municipal Fund	Totalling	<u>\$3,188,577.05</u>
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CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS**12.1.2 Financial Activity Statement for the month ending 28 February 2007**

File/Ward	:	FIN040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (M Brenton)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Note Financial Activity Statement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENT/DISCUSSION

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

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Item 12.1.2 continued

COMMENT/DISCUSSION

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

RECOMMENDATION

THAT Council note the attached Financial Activity Statement for the month ending 28 February 2007.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WEST**

THAT Council note the attached Financial Activity Statement for the month ending 28 February 2007.

CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT – FEB 2007

	Actual Year to Date 28-Feb-07	Current Budget Year to Date 28-Feb-07	Budget Variance
OPERATING INCOME			
Rates	16,695,652.72	16,654,130	41,523
Grants & Subsidies	2,734,126.90	2,801,401	(67,274)
Contributions. Reimb & Donations	161,836.55	166,811	(4,974)
Fees & Charges	5,522,753.33	5,470,794	51,959
Interest Earned	945,301.17	904,734	40,567
Other Revenue / Income	550,520.50	541,145	9,376
Net Controlled Trust Revenue	(40,172.73)	(40,173)	
	26,570,018.44	26,498,842	71,176
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(7,461,322.17)	(7,350,437)	(110,885)
Utilities	(468,290.76)	(496,953)	28,662
Interest Expenses	(482,462.70)	(485,864)	3,401
Contracts & materials	(5,463,051.97)	(5,625,705)	162,653
Insurance expenses	(331,275.10)	(349,613)	18,338
Other Expenses	(657,134.67)	(658,133)	998
	(14,863,537.37)	(14,966,705)	103,168
CAPITAL INCOME			
Grants & Subsidies	1,803,856.64	1,782,544	21,313
Contributions. Reimb & Donations, Other	126,263.63	124,445	1,819
Proceeds from sale of assets	2,118,447.13	2,118,000	447
	4,048,567.40	4,024,989	23,578
CAPITAL EXPENDITURE			
Asset Masterplans	(3,123,760.39)	(2,999,597)	(124,163)
ALAC Redevelopment	(434,214.73)	(435,000)	785
Plant Replacement	(2,244,720.19)	(2,198,000)	(46,720)
Developers Subdivisions	0.00	0	-
Other Capital	(790,509.02)	(764,423)	(26,086)
	(6,593,204.33)	(6,397,020)	(196,184)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(303,378.39)	(324,429)	21,051
Proceeds from Self Supporting Loans	15,600.51	15,715	(114)
Proceeds from new loans	0.00	0	-
	(287,777.88)	(308,714)	20,936
OTHER BALANCE SHEET ITEMS			
Change in stock position	(202,649.70)		
Change in Debtors	332,061.26		
Change in Creditors	(1,818,662.07)		
	(1,689,250.51)		
NET CASH FLOW	7,184,815.75		
Opening Cash balance	15,968,783.53		
NET CASH AT BALANCE DATE	23,153,599.28		
Cash Summary			
Municipal Account	14,177,320.93		
Reserve Account	6,557,309.29		
Trust Account	2,418,969.06		
Total Bank / Investments	<u>23,153,599.28</u>		

Item 12.1.2 continued

Explanation of Variances on Financial Activity Statement – February YTD 2007

Nil variances of 10% or greater for the month.

12.2 ADMINISTRATION

Nil

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

CORPORATE & COMMUNITY SERVICES REPORTS**12.6 RECREATION SERVICES**

Councillor Marshall declared a financial interest in Item 12.6.1 and left the meeting at 8.38pm. The nature of Councillor Marshall's interest is that he is the Administrator of Albany Basketball Association and derives income from the Association, which is a major user of the ALAC.

12.6.1 Albany Leisure and Aquatic Centre Upgrade – Formation of the Albany Leisure and Aquatic Centre User Group

File/Ward	: MAN167 (All Wards)
Proposal/Issue	: Albany Leisure and Aquatic Centre (ALAC) Upgrade
Subject Land/Locality	: Albany Leisure and Aquatic Centre (Barker Rd.)
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate and Community Services (WP. Madigan)
Disclosure of Interest	: Nil
Previous Reference	: N/A
Summary Recommendation	: That Council support the formation of the Albany Leisure and Aquatic Centre User Group, and nominate a representative on such user group.
Bulletin Attachment	: Copy of request from Tony Stanton is in the Elected Members Report/Information Bulletin
Locality Plan	: N/A

BACKGROUND

1. A request has been received from a Mr Tony Stanton to form an Albany Leisure and Aquatic Centre (ALAC) Advisory Committee.
2. The terms of reference would relate to the day to day operations of the centre, customer service and marketing, with the ultimate aim being:
 - To make ALAC the premier sporting complex for the Region.
 - To make all activities more attractive to the Albany community.
 - To help each activity to maintain its cohesion during the upgrade.
 - To provide public input to the decisions made for ALAC's Public Amenities.
 - To work with Management & Staff to produce the best result for the City of Albany.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

4. The proposed membership would comprise: elected member representation, representatives from key user groups and government agencies, the Executive Director Corporate and Community Services (EDCCS) and Manager of the facility.
5. The operation and functions of the Advisory Committee would be reviewed after an initial trial period of 18 months.

STATUTORY REQUIREMENTS

6. Under section 5.8 of the Local Government Act, a local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.
7. Section 5.9 (2) provides that a committee is to comprise –
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Healthy City, Albany's Community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

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

Mission Statement

The City of Albany is committed to...

- *Sustainably Managing Albany's municipal assets,*
- *Delivering excellent community services,*
- *Actively keep abreast of best practice,*
- *Respect the Communities aspirations and resources.*

Priority Projects

City Facilities Project 3 - Albany Leisure and Aquatic Centre.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

COMMENT/DISCUSSION

- 10. It is considered a user group would provide greater flexibility than a formal committee structure, particularly in relation to membership and frequency of meetings.
- 11. This proposal has been discussed with Mr Stanton and he has agreed.
- 12. It would still be appropriate for an elected member to attend and have input at the ALAC user group meetings.

RECOMMENDATION

THAT Council support the formation of the Albany Leisure and Aquatic Centre User Group, and nominate as its representative on such user group.

Voting Requirement Simple Majority

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The Mayor called for nominations and two nominations were received; one for Councillor Wiseman and the other for Councillor Paver.

A ballot was held and Councillor Wiseman was subsequently declared elected as Council's nominee to the Albany Leisure and Aquatic Centre User Group.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EMERY**

THAT Council support the formation of the Albany Leisure and Aquatic Centre User Group, and nominate Councillor Wiseman as its representative on such user group.

CARRIED 13-0

Councillor Marshall returned to the meeting at 8.42pm after consideration of Item 12.6.1

CORPORATE & COMMUNITY SERVICES REPORTS**12.7 VISITOR CENTRE**

Councillor Paver declared a financial interest in Item 12.7.1 and left the meeting at 8.42pm. The nature of Councillor Paver's interest is that he supplies marketing services to the City of Albany.

12.7.1 Amendment to Contract C05026 – Accommodation and Tour Booking Contract

File/Ward	: C05026 (All Wards)
Proposal/Issue	: Amendment to Contract C05026 between City of Albany and Albany Inbound PL introducing a new commission regime for bookings made on www.staynow.com
Subject Land/Locality	: Albany Visitors Centre, Proudlove Pde, Albany
Proponent	: Albany Inbound PTY LTD (R and L Hammond)
Owner	: City of Albany
Reporting Officer(s)	: Manager of Community Development (M Weller) Manager of Economic Development (J Berry)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19.04.2005 – Item 14.3.2 OCM 21.06.2005 – Item 14.3.1 OCM 20.12.2005 – Item 14.3.1
Summary Recommendation	: That Council amend section 3.3 of Contract C05026 to reflect Albany Inbound under commissions section. Amend C05026 as detailed.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. In December 2005 Council resolved to:
 - i) Enter into a contractual arrangement with Tayson Pty Ltd for the provision of tour and accommodation booking services for a period of 3 years with a further option of 3 years subject to agreement by both parties; and
 - ii) Offer the provision of rental floor space at the Albany Visitor Centre charged at the rate of \$3.00 per square metre per week.

2. In November 2006 the contract was assigned to Albany Inbound Pty Ltd at the request of the contractor, given assurance was provided that:
 - i) The directorship of the company remained the same.
 - ii) Albany Inbound Pty Ltd is a registered company.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued

3. The reason given for this request for assignment was that the contractor registered as a travel agent and required a company structure different to that of Tayson Enterprises to comply with Auditing requirements. As the assignment did not increase the risk or put any additional burden on the City, it was approved.
4. The contract made the following provisions applicable to commissions:

“3.2 Commissions

- (a) Subject to clauses 3.2(b) and 3.2(c), the Contractor may charge the accommodation, hospitality and tour operators for whose products the Contractor make a reservation on behalf of another person, a fee for making that reservation.
 - (b) The maximum fee that the Contractor may charge under clause 3.2(a) with respect to each reservation is:
 - (i) within the first twelve (12) months of the Term, 15% of the total price of the accommodation, hospitality or tour product reserved; and
 - (ii) after the expiry of the first twelve (12) months of the Term, a fee that has been approved by the CEO which is not greater than 20% of the total price of the accommodation, hospitality or tour product reserved.
 - (c) The Contractor shall not, without the written approval of the City, charge a different fee for operators of a similar product (for example, a different fee between accommodation operators).”
5. ‘Albany Inbound’ Pty Ltd has made the following request to which the above section of the contract applies:

That while currently retaining the 15% commission of the total price on accommodation, hospitality and tour products reserved through the Albany Visitors Centre, BookEasy licence, reached through the ‘www.amazingalbany.com.au’ and ‘www.albanytourist.com.au’ domains:

The City allows for the increase of the charge to between 15.1% and 20% at the Contractors discretion, on a case-by-case basis for bookings made through a new website being ‘www.staynow.com.au’ which will operate using the City’s BookEasy domain licence.

6. The reasons given by Albany Inbound Pty Ltd for this are:
 - One of the most profitable areas in relation to bookings has been Internet sales. In order to respond competitively to changes in this market the new ‘Stay Now’ domain has been developed. The ‘Stay Now’ domain aims to promote boutique individually negotiated and promoted package deals for short term breaks of three and four day duration; predominately for self contained and heritage accommodation.
 - The sales created through the ‘stay now’ domain are more marketing intensive, attracting a higher operating cost and risk for the bookings service than those created through the ‘Amazing Albany’ domain.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued

- The proposed changes would allow the service to tailor 'Stay Now' domain fees within the 15.1%- 20% range for each individual accommodation package promotion, dependant on the level of marketing intensity, without having to receive authorisation from the CEO for each transaction.
 - The 'Stay Now' Domain is an additional business model and does not detract from the services offered through the 'Amazing Albany' domain.
 - A number of Albany accommodation providers operate on a marginal basis. The combination of the two domains allows these operators to continue to receive the full services of the 'Amazing Albany' domain at the 15% commission rate and / or choose to utilise the services of the 'Stay Now' domain for special promotions.
 - The 'Stay Now' domain aims to increase viability by increasing promotion of accommodation packages during the winter downtime.
 - In order to facilitate the above the business has incurred considerable cost in order to acquire and maintain a travel agents licence, which is subject to statutory audit requirements.
7. It is noted that under contract the ability remains for fees to be raised to up to 20% for 'Amazing Albany' transactions, at a later date.

8. The contract made the following provisions applicable to payments:

“3.3 Payment

The Contractor shall on the fifth (5th) Business Day of each month pay to the City an amount comprising the sum of:

- (a) 1.5% of the total Commissions received for all reservations made and paid in full by persons through BookEasy;
- (b) 2% of the total Commissions received for all reservations made (including through BookEasy), and paid in full, for persons that reside within the District; and
- (c) 2.5% of the total Commissions received for all reservations made (including through BookEasy), and paid in full, for persons that do not reside within the District,

during the previous month.”

9. 'Albany Inbound' Pty. Ltd. has requested that the above section of the contract be amended to:

3.3 Payment

The Contractor shall remit within 28 days of month end to the City an amount comprising the sum of:

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued

- (a) *1.5% of the total Commissions received for all reservations made and paid in full by all persons through BookEasy ('Amazing Albany' domain license only);*
- (b) *2% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that reside within the boundaries of the City of Albany Local Government Municipality;*
- (c) *2.5% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that resided within the boundaries of the Australia's Southwest (Inc) Tourism region (excluding the City of Albany Local Government municipality), during the previous month.*
- (d) *1% of the total Commissions received for all reservations made (including through BookEasy), and paid in full, for persons that resided during the previous month outside the boundaries of the Australia's Southwest (Inc) Tourism region.*

10. Reasons given are:

- It is not practicable to collect and reconcile payments within *5 business days of month end* particularly when the period involves weekends or public holidays and the co-operation of the proprietors of BookEasy to address accounting anomalies, in addition to the time required to identify the locality of individual operators in order to apply the appropriate commissions, which is essentially a manual task.
- It was not envisaged in the original contract that the 'Amazing Albany' domain would transact bookings for operators outside the Australia's Southwest (inc) tourism marketing region.
- The 'Stay Now' Domain allows the bookings service to list accommodation providers throughout Australia (and potentially the World).
- The City of Albany markets and promotes Albany and the surrounding region, and contributes to the marketing of the Australia's South West (Inc.) tourism region. The City does not conduct or contribute to marketing for attractions or accommodation operating outside this region.
- The City has no financial exposure to 'Stay Now'. Its business and marketing activities will occur outside the Australia's Southwest (Inc) Tourism region. The proposed 1% commission collected from this activity would represent additional income, without a corresponding cost burden to the City. This development is viewed by the Contractor as a commercial necessity and was unforeseen when the contract was drafted in relation to the original business model.
- The 'Stay Now' development brings the Albany bookings service in line with other WA operations such as the Perth Visitors Centre.

Item 12.7.1 continued

STATUTORY REQUIREMENTS

11. After entering into contract, a variation must be agreed in writing by both parties.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

13. The 1% commission for bookings outside the Australia’s South West Marketing region represents additional income to the City of Albany, unforeseen at the time of entering into the contract; without corresponding financial exposure. Bookings made through the ‘Stay Now’ domain and within the Australia’s South West Region (including Albany) would continue to provide commissions to the City of Albany as per the original contract.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Thriving City

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

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

Mission Statement:

Nil.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

15. As the reasons given are reasonable and the arrangement provides a new income stream to the City without corresponding risk exposure it is recommended that the request by Albany Inbound Pty Ltd be endorsed.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued

RECOMMENDATION

THAT Council:

- i) Approves Albany Inbound Pty Ltd to increase the commission on tour and accommodation booking services to between 15.1% and 20% (at the Contractors discretion, on a case-by-case basis) for bookings made through 'www.staynow.com.au' that uses the City's BookEasy domain licence.
- ii) Approves an amendment of the payments Section 3.3 Payment of Contract CO5026 to read:

Payment

The Contractor shall remit within 28 days of month end to the City an amount comprising the sum of:

- (a) 1.5% of the total Commissions received for all reservations made and paid in full by persons through BookEasy ('Amazing Albany' domain license only);
- (b) 2% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that reside within the boundaries of the City of Albany Local Government Municipality;
- (c) 2.5% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that resided within the boundaries of the Australia's Southwest (Inc) Tourism region (excluding the City of Albany Local Government municipality), during the previous month.
- (d) 1% of the total Commissions received for all reservations made (including through BookEasy), and paid in full, for persons that resided during the previous month outside the boundaries of the Australia's Southwest (Inc) Tourism region.

Voting Requirement Simple Majority

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Item 12.7.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT Council:

i) Approves Albany Inbound Pty Ltd to increase the commission on tour and accommodation booking services to between 15.1% and 20% (at the Contractors discretion, on a case-by-case basis) for bookings made through 'www.staynow.com.au' that uses the City's BookEasy domain licence.

ii) Approves an amendment of the payments Section 3.3 Payment of Contract CO5026 to read:

Payment

The Contractor shall remit within 28 days of month end to the City an amount comprising the sum of:

(a) 1.5% of the total Commissions received for all reservations made and paid in full by persons through BookEasy ('Amazing Albany' domain license only);

(b) 2% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that reside within the boundaries of the City of Albany Local Government Municipality;

(c) 2.5% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that resided within the boundaries of the Australia's Southwest (Inc) Tourism region (excluding the City of Albany Local Government municipality), during the previous month.

(d) 1% of the total Commissions received for all reservations made (including through BookEasy), and paid in full, for persons that resided during the previous month outside the boundaries of the Australia's Southwest (Inc) Tourism region.

CARRIED 13-0

Councillor Paver returned to the meeting at 8.44pm after consideration of Item 12.7.1

CORPORATE & COMMUNITY SERVICES REPORTS

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Arts Advisory Committee Special meeting minutes – 21st February 2007

- File/Ward** : MAN116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 21st February 2007 be accepted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee Special meeting of 21st February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

Artwork Donation:

That the City accept the donation of the Frank Pash works and incorporate them into the City's Art Collection.

Voting Requirement Simple Majority

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ADDENDUM

1. The attached proposed policy has been prepared and distributed to show its intent. Following feedback from the Albany Arts Advisory Committee, it will be reviewed and presented to the Council for adoption in the accepted corporate document format.

AMENDED RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee Special meeting of 21st February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

i. Artwork Donation

That the City accept the donation of the Frank Pash works and incorporate them into the City's Art Collection, subject to such works and conditions of donation, complying with the City's proposed Artwork Collection Policy (attached).

Voting Requirement Simple Majority

.....

Item 12.8.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Albany Arts Advisory Committee Special meeting of 21st February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

ii. **Artwork Donation**

That the City accept the donation of the Frank Pash works and incorporate them into the City's Art Collection, subject to such works and conditions of donation, complying with the City's proposed Artwork Collection Policy (attached).

CARRIED 14-0

Item 12.8.1 continued

CITY OF ALBANY

ARTWORK COLLECTION POLICY

BACKGROUND:

The City of Albany permanent art collection comprises nearly 300 works of art with an emphasis on early 20th century works by Australian artists donated by Sir Claude Hotchin in the 1950's and 60's, and artworks acquired through the Albany Art Prize. These latter items are largely by Western Australian artists practising in the mid to late 20th century and early 21st century. There are a number of other works, which have been donated or bequeathed over the years since 1950.

This Artwork Collection Policy provides the direction for acquisitions, gifts and loans to the City's collection and for its management and conservation. The Policy aims to build upon and consolidate existing strengths in the collection with a particular emphasis on contemporary Western Australian art and art of local significance, particularly that by local artists. It will include, as well as contemporary art, sections of works of art of heritage and art historical value.

1. CITY OF ALBANY ART COLLECTION AIMS

- 1.1 To further develop and maintain a visual art collection of state and local significance and repute that reflects the cultural aspirations of the community.
- 1.2 To collect works of visual art demonstrating excellence by artists of significance and who have a connection with Western Australia or the Great Southern region, with particular emphasis on contemporary WA art, art of local significance, particularly that by local artists.
- 1.3 To collect or commission selectively works of art which enhance the civic buildings and public areas of the City and which foster an understanding, enjoyment and appreciation of the visual arts among members of the general public.
- 1.4 To collect works of significance for the fostering of research and reference.
- 1.5 To ensure the preservation and safe keeping of the collection
- 1.6 To maximise accessibility to the collection
- 1.7 To heighten the public profile of the collection leading to greater community awareness, involvement and support.

2. ACQUISITIONS PROCEDURE

All acquisitions, whether through purchase, donation or bequest (other than works acquired as prize winning entries in the Albany Art Prize) are to be reviewed by members of an acquisition panel of 5 or more members selected by the Albany Arts Advisory Committee, with reference to their expertise and interest in collection management, together with the coordinator/curator of the collection. The committee will make its recommendations on acquisitions to Council through the Albany Arts Advisory Committee.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

- 2.1 Works will be acquired by purchase, commission, donation, bequests and through the City of Albany Art Prize and will be required to satisfy the criteria as specified in Clauses 1.1 and 1.2.
- 2.2 The curatorial care, insurance, valuation, security, framing, conservation, maintenance and installation/display of works will be the responsibility of the City of Albany.
- 2.3 In general, only works in good condition that do not require extensive conservation will be accepted into the collection. Donations of artworks will be considered on a case by case basis, and acceptance may be considered where funding for any necessary treatment is made available from the donor/vendor or the cost of restoration treatment is acceptable.
- 2.4 Donations of works shall only be accepted as 'unconditional gifts'. A deed of gift and/or acknowledgement of donation form will provide proof of ownership and indemnify the City of Albany from any future claims.

3 DE-ACCESSIONING ARTWORKS

Deaccessioning is the process by which artworks are formally approved for removal from the City of Albany Art Collection database (catalogue). Deaccessioning is an integral part of collection development and improvement.

Deaccessioning of artworks will only be considered in exceptional circumstances.

All artworks in the City of Albany Art Collection are deemed to be owned by the City of Albany and no artwork can be deaccessioned without following the guidelines of this policy. Only works to which the City of Albany has legal title are to be considered for deaccessioning.

3.1 GUIDELINES

3.1.1 Deaccessioning is not normally recommended but will be considered under the following circumstances:

- a work is deemed to have deteriorated beyond repair;
- the conservation and maintenance of a work causes an unreasonable strain on the assets of the collection, the cost of long-term care for a work outweighs its intrinsic or actual value, and a work endangers other works in the collection;
- low artistic merit;
- duplication;
- theft, loss or damage
- the possibility of upgrading by exchange
- unsuitability for exhibition/display purposes
- confirmation that a work is a forgery or which has been falsely or wrongly attributed;

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

3.1.2 Restrictions. The following works will generally not be considered for deaccessioning:

- works which were acquired less than ten years prior to the time of the proposed deaccession;
- works by living artists, unless the artist's views have been taken into account other than where the City is unable to locate the artist despite a reasonable effort having been made;
- works gifted or bequeathed, without having advised the donor, the personal representatives of the donor's estate, or any other person considered to have a relevant interest in the proposed deaccession;

3.1.3 Method of Disposal. A deaccessioned artwork shall be disposed of by one of the following means:

- transfer to another art museum or appropriate public institution;
- exchange with another art museum or appropriate institution; *
- exchange with a collector or dealer; *
- sale by public tender; *
- sale by public auction;
- in the case of a donation or bequest the work is to be offered in the first instance to the donor or the personal representative of the donor's estate;
- in the case of a work by a living artist, after careful consideration, an attempt should be made to inform them of this intention, and the possibility of an exchange of an artwork with the artist should be explored;
- destruction.
- in the case of exchange or sale other than by public auction, at least one independent valuation of the work and in the case of exchange with a collector or dealer at least two independent authentications and valuations shall be obtained prior to the exchange or sale, from a qualified external assessor. In the case of an exchange and after certified valuations and authentication, payment of a sum of money shall be made or received in recognition of the difference in value between the works exchanged if appropriate.

3.1.4 Procedure for approval. The following steps shall be followed in deaccessioning an artwork:

- a proposal for deaccessioning shall be initiated by the coordinator/curator of the collection or at the request of the Arts Advisory Committee;
- except in the case of returns the City's clear and unrestricted title in the work shall be established;
- a written deaccession proposal shall include full catalogue details of the work, full details of the circumstances of the work's acquisition, including any prohibitions or restrictions on deaccessioning (including statutory restrictions), reasons for the proposed deaccessioning, recommendations for the means of disposal, and the estimated current market value of the work, if any.
- a public notice of an "in principal" deaccession specifying a period to enable representations to be made shall be circulated;
- Council will take into account the representations made prior to any approval for deaccessioning being made.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

3.1.5 Proceeds from Sale.

- proceeds from the sale of a deaccessioned artwork shall be reserved and applied only to acquisitions, with priority given, if appropriate, to works for the same area of the collection;
- where practicable, the credit line of a work acquired with the proceeds of the disposal of a donated work shall acknowledge the original donor.

3.1.6 Documentation. On completion of the deaccessioning and disposal process:

- the collection's database (catalogue) and files shall be amended to note the deaccessioning and disposal of the work, and copies of photographic and written records pertaining to the work shall be retained;
- the works accession number shall not be reassigned.

4 MANAGEMENT POLICY

The coordinator/curator of the collection is responsible for all registration aspects of the collection as follows;

- DRAFT**
- 4.1 Develop and utilise a manual of registration procedures in keeping with the City of Albany's asset management guidelines, where applicable. These procedures shall control cataloguing, stocktaking, photography, copyright, labelling, display and installation, valuation and insurance, security and storage.
 - 4.2 Where works of art are planned for civic buildings or public spaces, priority at the planning stage in consultation with the collection coordinator/curator is desirable so that all curatorial, artistic, design, financial and logistical concerns and any other specific requirements may be duly considered.
 - 4.3 Works of art from the collection may be loaned to exhibitions and art institutions at the discretion of the AAAC in consultation with the collection coordinator/curator. All loans are subject to the requirements of the lending policy.

5 LENDING POLICY

- 5.1 All requests for loans from the City of Albany collection must be in writing. An official loan agreement will be forwarded to the applicant/s for completion and signature before any work will be released.
- 5.2 Works from the collection will only be loaned to professionally operated class "A" and "B" galleries or exhibition spaces that can demonstrate an ability to provide appropriate handling and security, together with controlled environments where available, and museum standard practices for the exhibition of artworks.
- 5.3 All freight costs are to be covered by the borrower and any additional costs such as crating, packing and reinstallation on return, where applicable, are to be met by the borrower.
- 5.4 Only recognised art carriers are to be used for carrying any work from the City of Albany, which reserves the right to nominate a carrier.
- 5.5 Evidence of insurance cover to the level stipulated by the AAAC shall be provided before any work shall be released for loan.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

- 5.6 All works of art in the City of Albany collection are subject to copyright legislation and permission to reproduce any work must be obtained in writing from the copyright holder and the collection coordinator/curator prior to publication in any form. Copies of the publication are to be forwarded to the City of Albany for archival purposes.
- 5.7 All loans are to be acknowledged as being the property of the City of Albany in all publicity material, publications, display labels and the like.
- 5.8 All works must be returned in the condition in which they were despatched. Works on loan must not undergo any conservation treatment, reframing, hanging alterations or other changes without prior consultation with the collection coordinator/curator unless agreed to in writing by the City of Albany.

6 CONSERVATION POLICY

- 6.1 A regular conservation survey of the collection should be undertaken by a qualified conservator/s to identify works in need of immediate care and to develop an overall maintenance program. Funding for this activity will be made available from the collection's conservation budget.
- 6.2 A maintenance program will be designed to help avoid expensive, one-off treatments wherever possible. It should be a form of preventative housekeeping rather than a corrective service, and should be reviewed every five years.
- 6.3 Conservation of works will be undertaken at the discretion of the collection coordinator/curator in consultation with relevant conservators following the maintenance plan. Conservation treatment of any work from the collection shall only be undertaken by qualified conservators, with references.
- 6.4 Owing to the dispersed display and storage of the collection, a single disaster preparedness plan is seen as unmanageable. The works of art must be considered in the various plans developed for each building.

7 RESEARCH POLICY

- 7.1 The City of Albany art collection catalogue is available for perusal by scholars and interested parties. Copyright restrictions apply to all images and text.
- 7.2 The City of Albany art collection catalogue is available as a research resource to educational institutions and for members of the general public with a genuine scholarly interest in the collection.
- 7.3 Applications for an appointment to access the catalogue shall be in writing to the collection coordinator/curator indicating areas of interest and purpose of visit.
- 7.4 Access to the collection shall be at the discretion of the City of Albany in consultation with the collection coordinator/curator and, while every effort will be made to accommodate demands, access may be dependant upon staff resources at the time.

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Albany Arts Advisory Committee meeting minutes – 14th February 2007

- File/Ward** : MAN116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 14th February 2007 be accepted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting of 14th February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of Albany Arts Advisory Committee meeting of 14th February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 14-0

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

13.1.1 Approval for grant funds for signage Albany Cycling Map

File/Ward	:	STR004 (All Wards)
Proposal/Issue	:	Request for approval of additional grant funds to complete installation of identified regulatory signage for the Albany Cycling Map
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Support Officer Grant Funding and Finance (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approves the grants funding of \$10,000 to complete installation of regulatory signage for the Albany Cycling Map.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. In 2005/06, Council was successful in obtaining funds from the Department of Planning and Infrastructure's Country Pathways Grant Scheme, to develop a comprehensive cycling map for the City of Albany.
2. While developing the map project, it was identified there was a lack of regulatory signage on some of the City's cycle paths. The cost to bring the paths up to the required standard for signage has been assessed at \$20,000.
3. Council has a responsibility to ensure that all roads and pathways are adequately signed to Australian Standards.
4. Staff approached the Country Pathways Grant Scheme to request further funding from the 2006/07 grants allocation, to complete the works, and have been successful in obtaining a \$10,000 grant.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

STATUTORY REQUIREMENTS

5. 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:
 - a) is incurred in a financial year before the adoption of the annual budget by the local government
 - b) is authorised in advance by a resolution (absolute majority required) or
 - c) is authorised in advance by the mayor in an emergency.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The cost of bringing the regulatory signage for the cycle paths up to an appropriate standard is in the vicinity of \$20,000.
8. Under the conditions of the Country Pathways grant, funding arrangements provide a maximum grant of 50 per cent of the overall project cost. The remainder of funds would be sourced from the current pathways maintenance budget.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

Mission Statement

The City of Albany is committed to sustainably managing Albany’s municipal assets, and promoting our Community’s vision for the future.

Priority Projects

Nil.”

COMMENT/DISCUSSION

10. Staff were pro-active in contacting the Country Pathways funding group to request whether any extra funds were available to supplement this project. This initiative has provided Council with additional funds totalling \$10,000 that will allow general maintenance operations to extend over a greater base.
11. The upgrade of regulatory signage along the City’s cycle paths, which have been identified through the development of the Albany Cycle Map, will offer users a more complete tourist package.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

RECOMMENDATION

That Council approves expenditure of \$20,000 to complete installation of regulatory signage for the Albany Cycling Map, with \$10,000 grants funding from the Country Pathways Grant Scheme and \$10,000 to be reallocated from the Pathways Maintenance account.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WALKER**

That Council approves expenditure of \$20,000 to complete installation of regulatory signage for the Albany Cycling Map, with \$10,000 grants funding from the Country Pathways Grant Scheme and \$10,000 to be reallocated from the Pathways Maintenance account.

**CARRIED 14-0
ABSOLUTE MAJORITY**

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.3 CITY SERVICES – AIRPORT MANAGEMENT

13.3.1 Bureau of Meteorology - Review

File/Ward	:	PRO159 (All Wards)
Proposal/Issue	:	Response to review of Bureau of Meteorology
Subject Land/Locality	:	Airport
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Services (I. Neil)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To forward a letter of support to the Bureau of Meteorology stating that it is an important aspect of the Great Southern
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The Albany Bureau of Meteorology is sited on airport land north of the terminal with access off Albany Highway.
2. The National Bureau is conducting an independent review of the resourcing of the Bureau as it relates to the overall sustainability of the essential roles and functions it carries out in the public interest.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.3.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. The Officer in Charge of the Albany Bureau has requested Council to consider providing a letter of support and recommending the retention of services in Albany.
8. The Bureau employs four staff and provides a local weather forecasting and advisory service; it also conducts school educational tours.
9. With the refinement of communications technology it is viable for Meteorological information to be given remotely from an area, however, the following are benefits of retaining a Bureau within the region
- Direct employment,
 - Education, and
 - Specialist local knowledge
10. Contractors often use the Meteorological Office for a forecast before they commence a project such as a concrete pour. The specialist local knowledge is invaluable in giving an opinion relating to the weather conditions.
11. It is for these reasons that the City should support the retention of the Bureau of Meteorology Office in Albany.

RECOMMENDATION

That the City forward a letter of support to the Bureau of Meteorology stating that the Albany Meteorological Office provides an important service to the Great Southern region and contributes to the ongoing economic and social development of Albany as a regional centre.

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

Item 13.3.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

That the City forward a letter of support to the Bureau of Meteorology supporting the retention of the Albany Meteorological Office because it provides an important service to the Great Southern region and contributes to the ongoing economic and social development of Albany as a regional centre.

CARRIED 14-0

Reason:

The resolution needed to be more specific in identifying that the City of Albany supported the retention of the Albany Meteorological Service and the reason for it.

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Contract C06049 Construction of a new Municipal Skateboard and BMX facility in the Sandford Road Youth Precinct

File/Ward	: C06049 (Yakamia Ward)
Proposal/Issue	: Construction of a municipal skateboard and BMX facility
Subject Land/Locality	: Adjacent the PCYC and BMX racing track on Sandford Rd, within the Centennial Park Recreation and Youth precinct
Proponent	: City of Albany
Owner	: NA
Reporting Officer(s)	: Executive Director Works and Services (L Hewer) Manager Community Development (M Weller) Community Development Officer – Youth (T Flett)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17 th June 2003 Item 12.3
Summary Recommendation	: That Council decline all tenders for this project and delegate authority to the CEO to negotiate to revise the scope and complete the works within the allocated budget.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. Council allocated funding in the 2006/07 Budget for the completion of a municipal Skateboard and BMX facility in accordance with the recommendations of the Centennial Park Recreation Precinct Plan, adopted June 2003.
2. A high level of community consultation was involved the design of the new facility. This included several workshops with local youth, the designer and the Community Development Officer (Youth) hosting a bus tour of Perth skateboarding facilities. Comment from local youth has indicated a high level of satisfaction in relation to the design.
3. Following confirmation of the scope of the facility an application for supporting funding was submitted with Lotterywest. Investigations indicated that it was unlikely funding for the facility would be received from other sources.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

4. A risk assessment was completed for the project. Given the time taken to receive funding from Lotterywest, the risk of escalation resulting in project delay (given the current 'heated' state of the Western Australian economy), the facility was designed in two stages.
5. This staging allows for Stage 1 to be delivered to the community within the funds allocated by the City of Albany, and Stages 1 and 2 to be delivered concurrently in the event that Lotterywest funding is secured. Lotterywest have indicated that a determination on funding will be given mid-late March, prior to the intended commencement of construction.
6. A request for tenders was published in the Western Australian newspaper on 14th February 2007, the Albany Advertiser 15th February 2007, and in the Albany Extra 16th February 2007.
7. The Tender documents included Tender Evaluation Criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each Tender. The criteria used for this Tender is documented below.

Criteria	% Weight
Cost	40
Relevant Skills and Experience	30
Reliability of Tenderer	20
Other Considerations	10
TOTAL	100

8. Tenderers were provided with Technical Specifications provided by DBrand Design extensively detailing the work required.
9. Tenderers were requested to supply a Lump Sum Tender Price and a schedule of rates, for Stage 1 and Stage 2. The City of Albany reserved the right to complete Stage 1 only should external funding not be sourced for Stage 2.

STATUTORY REQUIREMENTS

10. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000.
11. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
12. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.4.1 continued

FINANCIAL IMPLICATIONS

14. \$308,000 (ex GST) has been allocated within the 2006/2007 budget. \$235,000 has been allocated to construction of Stage 1, with \$73,000 allocated to design, lighting, landscaping, fill and contingency.
15. A grant application has been submitted to Lotterywest for an additional \$100,000 (ex GST) to complete stage 2 of the park; notification is expected mid March.
16. This \$100,000 would be split into \$82,000 for construction of Stage 2, with \$18,000 allocated to design, lighting, landscaping, fill and contingency.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

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

Mission Statement:

The City of Albany is committed to sustainably managing Albany's municipal assets and at all times we will respect the Community's aspirations and resources and actively keep abreast of best practice.

Priority Projects:

Nil”

COMMENT/DISCUSSION

18. A total of six specifications were issued, with two tenders being received at Close of Tender, 2pm 28th February 2007.
19. The following table summarises the submissions received:

Tenderer	Stage 1 lump sum (Ex Gst)	Stage 1 Construction Budget	Stage 2 lump Sum (Ex Gst)	Stage 2 Construction Budget	Total Lump Sum for Works (Ex Gst)	Weighted Score
Convic Skate Parks Pty Ltd	\$335,000	\$235,000	\$117,000	\$82,000	\$452,000	434.1
Services (Inc) Pty Ltd	\$248,000	\$235,000	\$89,000	\$82,000	\$337,000	718.4

WORKS & SERVICES REPORTS

Item 13.4.1 continued

20. The tender submissions received were evaluated by a panel utilising the weighted attribute method. While a preferred tenderer, Services Incorporated Pty Ltd was selected; both tenders were over the allocated project budget.
21. Council staff has reviewed the schedule of rates and believe that through a change in the scope of works, the project could achieve the budget allocation without adversely affecting its scale or outcomes.

RECOMMENDATION

THAT Council:

- i) Reject all tenders.
- ii) Delegate to the Chief Executive Officer to negotiate to revise the scope of works and deliver Stage 1 of the project within the allocated budget for this Stage.
- iii) Delegate to the Chief Executive Officer to negotiate to revise the scope of works and deliver Stage 2 (within the proposed budget) concurrently with Stage 1, subject to positive notification of \$100,000 external funding, prior to the proposed construction start date mid April 2007.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WOLFE**

THAT Council:

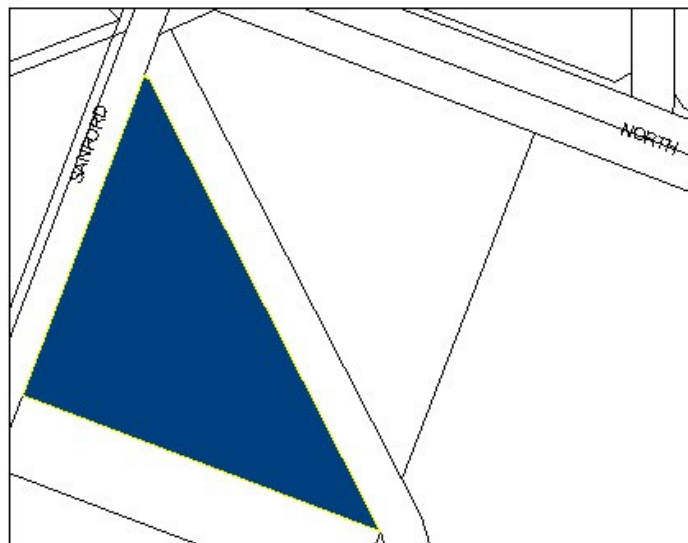
- i) Reject all tenders.**
- ii) Delegate to the Chief Executive Officer to negotiate to revise the scope of works and deliver Stage 1 of the project within the allocated budget for this Stage.**
- iii) Delegate to the Chief Executive Officer to negotiate to revise the scope of works and deliver Stage 2 (within the proposed budget) concurrently with Stage 1, subject to positive notification of \$100,000 external funding, prior to the proposed construction start date mid April 2007.**

**CARRIED 14-0
ABSOLUTE MAJORITY**

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 New Lease for the Albany Volunteer State Emergency Service

File/Ward	:	PRO044 (Centennial Park)
Proposal/Issue	:	To offer a new lease to the Albany Volunteer State Emergency Service (SES) for it's current site on Sanford Road.
Subject Land/Locality	:	Portion of Albany Suburban Lots 4 & 5 and portion of Plantagenet Location 4743 on Certificate of Title 2134/44 and Portion Lot 1003 on Certificate of Title 1189/628
Proponent	:	Albany Volunteer SES
Owner	:	City of Albany
Reporting Officer(s)	:	Property Officer (H Tasker)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To allow the Albany Volunteer SES to take out a lease over the land previously leased by them for a period of 21 years for a \$10.00 per annum rental with a further 10 year option, at no cost to Council.
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. On 16th May 1976 the Girl Guides Association of Western Australia took out a lease over a parcel of land located at 90 Sanford Road, Albany. The Girl Guides Association continued to lease the site until 9th May 1994 when the lease was assigned to the Albany Volunteer State Emergency Services (SES).
2. The assigned lease expired on 31st December 2006 and the Albany Volunteer SES have requested Council consider agreeing to a new lease over the area which they are currently occupying, dated back to the expiry date of the previous lease.

STATUTORY REQUIREMENTS

3. Section 3.58 of the Local Government Act 1995 deals with the Disposing of Property. Local Government (Functions and General) Regulations 1996, Part 6 Miscellaneous Section 30 (2) (b) (i) deals with exemptions to the disposition of property and states:

“A disposition of land is exempt disposition if the land is disposed of to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions.”

4. As the Albany Voluntary SES is a volunteer not for profit organisation providing a charitable free service to the community in times of crisis this lease is exempt from Section 3.58 of the Local Government Act 1995.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this item. The Lessee is responsible for all costs associated with the development and execution of this lease.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

The City of Albany is committed to delivering excellent community services and at all times we will value and develop our people.

Priority Projects:

Nil.”

WORKS & SERVICES REPORTS

Item 13.5.1 continued

COMMENT/DISCUSSION

8. The Albany Volunteer SES consists of a group of residents committed to providing the Albany community with an emergency service in times of crisis. Membership of the Service is voluntary with members being on call 24 hours a day. The community relies more and more heavily on the Service to provide support at short notice and in all weathers. Local newspaper coverage over the years proves testimony to this.
9. During the years since the SES took over the lease area from the Girl Guides Association of Australia, it has actively worked to provide infrastructure and equipment on the site to enable them to store vital equipment and provide training opportunities for their volunteers.
10. During initial discussions, the SES advised that they were keen to pursue a lease for a period of 21 years with a possible option of a further 10 years, on the site they are currently occupying, which is centrally located and therefore suitable for volunteers to gather speedily to provide a fast action response when called upon.
11. Although all Western Australian SES groups come under the umbrella of the Western Australian Fire and Emergency Services Authority (FESA), funding for individual SES branches remains a problem with members carrying out 'gold coin' services from time to time to add to their funds. It is therefore proposed Council agree to the lease of the site for a \$10.00 per annum rental for the initial term, with a rent review prior to any further term being taken up. This review will allow Council to ensure the structure of the SES is still reliant on voluntary labour for service to the community and that a minimal rental is still appropriate.

RECOMMENDATIONS

1. THAT Council
 - (a) agree to a lease with the Albany Volunteer SES of the site currently occupied by them for a period of 21 years, back dated to the 1st January 2007, with a possible further option of 10 years; and
 - (b) agree to a \$10.00 per annum rent with a rent review at the commencement of the 10 year further option to ensure the structure of the SES is still reliant on voluntary labour for service to the community and that a minimal rental is still appropriate.
2. That the above agreements are on the condition that the Albany Volunteer SES will cover all costs associated with the development and execution of the lease, including legal fees, stamp duty and any other fees or costs associated with this lease.

Voting Requirement Simple Majority

.....

Item 13.5.1 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

- 1. THAT Council**
 - (a) agree to a lease with the Albany Volunteer SES of the site currently occupied by them for a period of 21 years, back dated to the 1st January 2007, with a possible further option of 10 years; and**
 - (b) agree to a \$10.00 per annum rent with a rent review at the commencement of the 10 year further option to ensure the structure of the SES is still reliant on voluntary labour for service to the community and that a minimal rental is still appropriate.**
- 2. That the above agreements are on the condition that the Albany Volunteer SES will cover all costs associated with the development and execution of the lease, including legal fees, stamp duty and any other fees or costs associated with this lease.**

CARRIED 14-0

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Item 13.7.1 was withdrawn from the agenda.

13.7.1 Proposed Road Closure - William Street, Little Grove

File/Ward	:	SER088 (Vancouver Ward)
Proposal/Issue	:	Request to temporarily close a section of road
Subject Land/Locality	:	Portion of William Street, Little Grove
Proponent	:	N/A
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM19.12.06 Item 13.7.2
Summary Recommendation	:	Council support the temporary closure of the section of road
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.7.1 continued

BACKGROUND

1. At its December 2006 Council meeting, Council resolved -
“THAT Council;
 - i) In accordance with Section 3.50 of the Local Government Act 1995, proceed with the temporary closure to traffic of that portion of William Street, Little Grove for a period of four years;
 - ii) Ensure that the road is signed adequately to permit “Local Traffic Use Only” and advise that this is a “no through road”; and
 - iii) Authorise staff to finalise the legislative requirements of the closure, should no objections received.”
2. The proposal to close portion of William Street, Little Grove was advertised in the local newspapers, providing a 35-day submission period for written comments, which closed on 23 February 2007.

STATUTORY REQUIREMENTS

3. Section 3.50 of the Local Government Act 1995 provides for closing certain thoroughfares to vehicles, as follows:
 - (1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
 - (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*
 - (2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
 - [(3) *repealed*]
 - (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to*
 - (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
 - (b) *give written notice to each person who*
 - (i) *is prescribed for the purposes of this section; or*
 - (ii) *owns land that is prescribed for the purposes of this section;**and*
 - (c) *allow a reasonable time for submissions to be made and consider any submissions made.*
 - (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*

WORKS & SERVICES REPORTS

Item 13.7.1 continued

(6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*

[(7) *repealed*]

(8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*

(9) *The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The City of Albany would be required to accept costs associated with advertising the road closure.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

The City of Albany is committed to providing sound governance and promoting our Community’s vision for the future.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. There were 11 submissions received by close of the submission period on 23 February 2007, with three objections to the proposal. Refer to following submission table.

8. Staff reviewed the contents of the three objections, which included concerns about restricted access to property, a possible detrimental effect on the resale value of land, and refuse truck access.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

9. A check with Cleanaway has indicated their rubbish trucks service the area by accessing William St and turning around at the unsealed end. As this is a temporary road closure any subdivision of the area would take into consideration the completion of construction as part of its development. It has therefore been assessed that the temporary closure of William Street will improve safety in the area. The other points of concern were not considered relevant to the closure proposal.
10. The barrier would be in place for a period of four years, which would act as an immediate deterrent for the 'hoon' behaviour and allow the locality to develop a more safety conscious attitude to traffic movement.

RECOMMENDATION

THAT Council;

- i) In accordance with Section 3.50 of the Local Government Act 1995, proceed with the temporary closure to traffic of that portion of William Street, Little Grove for a period of four years;

AND

- ii) Ensure that the road is signed adequately to permit "Local Traffic Use Only" and advise that this is a "no through road".

Voting Requirement Simple Majority

.....

Item 13.7.1 was withdrawn from the agenda.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

Schedule of submission for closure of William Street Little Grove

Nos	Submitter	Reason For	Reason Against	Council Comment
1	K Finigan	safety concerns for children		Noted
2	R Altus	safety concerns; request for gravel spread at junction of road		Noted
3	T Robinson	safety concerns; no park play area for children		Noted
4	T Robinson - petition	44 signatures		Noted
5	J Nelson	safety concerns; unlicensed bikes are an issue		Noted
6	G Greig		restrict access to property; suggest clearing of undergrowth at street corner	Noted
7	BG, L & G Spence		no safety issues; concerns about restrictions for rubbish truck, etc; reduction in resale value	Noted
8	D & T Merrick		no safety issues; request 40 km sign on The Harbour Esplanade	Noted
9	Main Roads	no objections		Noted
10	Telstra	no objections		Noted
11	Water Corporation	no objections		Noted
12	Western Power	no objections		Noted

13.8 WORKS & SERVICES COMMITTEES

Nil

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4. CORPORATE GOVERNANCE

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Minutes of Albany Tourism Marketing Advisory Committee – 8 February 2007

File/Ward	:	STR207 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Manager Economic Development (J.Berry)
Summary Recommendation	:	That the Minutes of Albany Tourism Marketing Advisory Committee held on 8 February 2007 be received and recommendations be adopted.

RECOMMENDATIONS

1. THAT the minutes of the Albany Tourism Marketing Advisory Committee held on 8 February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

2. THAT Council appoints Ms Alisia Battalis-Mumby and Mr Chris Morris to the Albany Tourism Marketing Advisory Committee.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT the minutes of the Albany Tourism Marketing Advisory Committee held on 8 February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

CARRIED 14-0

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT Council appoints Ms Alisia Battalis-Mumby and Mr Chris Morris to the Albany Tourism Marketing Advisory Committee.

**CARRIED 14-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.5.2 Proposed Multi-purpose Community Centre

File/Ward	: MAN182 (All Wards)
Proposal/Issue	: Proposed construction of a joint-use multi-purpose community centre at 81-95 Sanford Road
Subject Land/Locality	: 81-95 Sanford Road, Centennial Park
Proponent	: N/A
Owner	: City of Albany
Reporting Officer(s)	: Project Administration Officer (T Kirkland)
Disclosure of Interest	: Nil
Previous Reference	: Item 14.1.1 15/11/05 Item 18.2.1 21/02/06 Item 14.4.1 21/02/06
Summary Recommendation	: 1. That the Minutes of the Sandford Road Community Centre Steering Committee Meeting held on 15 February 2007 be adopted. 2. That the Sanford Road Community Centre Steering Committee be disbanded as a committee of Council.
Bulletin Attachment	: Committee minutes of meeting held 15/02/07
Locality Plan	: Nil

BACKGROUND

1. The Masonic Hall Company Pty Ltd had previously approached council for a land contribution (81-95 Sanford Road) on which to build their new meeting venue and agreed to explore the possibility of contributing \$600,000 in capital funding to develop a joint-use facility in conjunction with other interested community organisations.
2. The Sanford Road Community Centre Steering Committee was formed in November 2005, with a concept development budget of \$25,000 endorsed by Council in February 2006.
3. In April 2006, members of the City of Albany Band joined the Committee to explore the possibility of contributing approximately \$100,000 in capital funding to develop a joint-use facility in conjunction with the other Committee members.
4. The Masonic Hall members resigned from the Committee on 1 May 2006 and withdrew the possibility of \$600,000 capital contribution to the proposed project, to pursue a development option with the Albany Club.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

5. The City of Albany Band Committee members resigned on 21 June 2006 and withdrew the possibility of \$100,000 capital contribution to the proposed project, deciding to stay in their current facilities.
6. On 1 June 2006, Anglicare WA approached Council about developing a joint-use community centre for Albany and staff explored the compatibility of the Anglicare project with the Sanford Road Community Centre project.
7. On the 26 October 2006, Anglicare WA advised that due to a change in attitude from Lotteries West, Anglicare would be continuing with their original project to develop a community centre behind St John's Church in York Street.
8. It was agreed at this time, to explore the option of the remaining Committee members, Port of Albany Ladies Probus Club, Albany Probus Club, Albany Probus Mens Club, Albany Breaksea Ladies Probus Club, and Caledonian Society using the meeting room facilities that will be provided by the proposed St John's Community Centre.
9. Staff had several meetings with Anglicare WA reviewing the St John's Community Centre concept plans and discussing the availability and cost structures of meeting room, kitchen and toilet facilities for regular users including the remaining Committee members.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

12. None of the \$25,000 budget allowance for project concept development has been spent, and the budget allowance is no longer required.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Delivering excellent community services.*

At all times we will ...

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

- *Respect the Community's aspirations and resources.*

Priority Projects:

N/A

COMMENT/DISCUSSION

13. The proposed St John's Community Centre meeting room facilities, in concept, meet the requirements of the remaining Committee members.
14. The City has written a letter of support for the proposed St John Centre project, and liaised with other community groups who wish to provide support, for the St John's Community Centre grant funding applications.
15. The Committee wish to:
 - disband as a committee of Council;
 - be kept informed of the proposed St John's Community Centre's progress through the City's Community Development team.

RECOMMENDATIONS

1. THAT the minutes of the City of Albany Sanford Road Community Centre Steering Committee meeting held on 15 February 2007 be received (copy of minutes are included in the Elected Members Report/Information Bulletin).
2. THAT the Sanford Road Community Centre Steering Committee be disbanded as a committee of Council.

Voting Requirement Simple Majority

MOVED COUNCILLOR EMERY

SECONDED COUNCILLOR MARSHALL

1. **THAT the minutes of the City of Albany Sanford Road Community Centre Steering Committee meeting held on 15 February 2007 be received (copy of minutes are included in the Elected Members Report/Information Bulletin).**
2. **THAT the Sanford Road Community Centre Steering Committee be disbanded as a committee of Council.**

CARRIED 14-0

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR MARSHALL**

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

CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

'Fellow Councillors:

One of the most valuable assets of any community is the volunteers who contribute much to the effectiveness, productivity, generosity and personality of a community. This month I had the privilege of acknowledging the work of some of our local volunteers who make the community of Albany such a wonderful place to be part of.

Early in February, 'Certificates of Appreciation' were issued to the volunteer fire fighters who assisted at the Dwellingup Bushfire. It has been a demanding month for our fire fighters for no sooner had they returned from the Dwellingup fire than they were called on again to assist at the Porongurup fire and soon after that the Gull Rock fire.

I would like to publicly acknowledge the efforts of all of our local fire fighters for their success in preserving life and property during the 2007 Bush Fire Season so far. Some 1200 volunteer hours went in to fighting the Porongurup fire alone, which is the largest fire operation the City of Albany has been involved in.

Item 17 continued

I also acknowledge the members of the broader community who contributed during and after the fire events by providing catering, assisting with the clean up and rebuilding process, providing care for injured animals and coordinating fundraising initiatives to assist the victims of the fires. On behalf of the City of Albany I extend my sincere appreciation to you all.

Also formally acknowledged this month with 'Certificates of Appreciation', at separate Mayoral functions, were the volunteers of the Albany Historical Society for their efforts in manning the Brig Amity, and the Princess Royal Fortress volunteers for manning the Forts. Both groups of volunteers have contributed many hours of their own time and have enhanced visitor experience at both venues by sharing their historic knowledge, and love, of each respective iconic attraction. Their time and contribution is much appreciated.

To the many tireless and generous volunteers who make up our wonderful community I extend sincere appreciation on behalf of Council and on behalf of the City of Albany.

Two official launches and an official welcome were amongst a number of Mayoral engagements this month. On 27th February I had the pleasure of launching 'Community First Inc – Albany', an organization which aims to make a positive difference to the community through employment, training and community services under the motto "Employ your Community First".

On the 3rd March I officially welcomed competitors and participants to the 28th Volunteer Fire & Rescue State Open Championship. 13 teams travelled from all parts of Western Australia for the competition; from as far north as South Hedland and as far south as Esperance, from Kalgoorlie in the east and from Bunbury in the west. From a spectator point of view the competition was fast-paced and skilful, combining athleticism and dexterity with technique and physical strength. Congratulations to the Albany Volunteer Fire and Rescue Service for hosting the successful two day competition.

Item 17 continued

And finally, the launch of the “Go Cycle Amazing Albany Map” was held on Sunday 18th March. The City of Albany is very proud to have provided financial support to the development of this cycling map. It is an initiative that will nurture appreciation of our many scenic surrounds for cycling enthusiasts, promote tourism opportunities for cycling visitors to the City and encourage long-term health benefits for those looking to adopt a new fitness activity. The map will enable users to explore a variety of cycling-friendly routes around our City.

Thank you.’

DRAFT MOTION

THAT the Mayor’s Report dated 20th March 2007 be received.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT the Mayor’s Report dated 20th March 2007 be received.

CARRIED 14-0

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

Item 18.1 was allowed by the Mayor.

18.1 Development Services Compliance - Authorisation for Staff - Various State Government Acts

File/Ward	: MAN052 (All Wards)
Proposal/Issue	: To authorise staff members to carry out duties
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/11/2006 - Item 11.2.1
Summary Recommendation	: To approve authorisations
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Local Government officers from time to time are required to enforce statewide legislation (Acts and Regulations) on Council's behalf. Some of these Acts include the *Bushfires Act 1954*, the *Dog Act 1976*, the *Litter Act 1979*, the *Local Government Act 1995* and *Control of Vehicles (Off-Road Areas) Act 1978*.
2. Two casual rangers have recently been employed to patrol and enforce Council's restrictions on off-road vehicles following Council's decision at the November Council Meeting. In order to carry out their duties they need to be authorised to act on behalf of Council.
3. The Water Corporation and the Department of Environment and Conservation (DEC) have also requested that Council consider the potential for specific officers in those departments to be authorised to enforce the various acts and local laws within Council reserves. Both DEC and the Water Corporation employ rangers who frequent Council reserves or adjacent Crown reserves to access infrastructure.

Item 18.1 continued

4. Staff also request Council approval to authorise Council's Administration Officer (Rangers) to enforce certain legislation to assist the Ranger's Team during busy periods or when Rangers are on extended leave.

STATUTORY REQUIREMENTS

5. Section 9.10 of the Local Government Act 1995 stipulates that:

"The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions."

6. Should Council support the proposed authorisations, a notice is required to be published in the Government Gazette.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Council needs to publish a notice in the Government Gazette. That cost can be accommodated within the existing budget.

STRATEGIC IMPLICATIONS

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

"Community Vision:

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

- Excellent community infrastructure and services; and

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil."

COMMENT/DISCUSSION

10. Staff have interviewed applicants to act as casual rangers and in order to allow these staff to fulfill their duties, authorisation of the officers is required.

Item 18.1 continued

11. In relation to the Casual Rangers, whilst their primary role is to ensure no off-road vehicles utilise Council Reserves, in performing that duty they are likely to come across illegal camping, littering, illegal camp fires, and dogs in prohibited areas. It is recommended that delegation for a range of legislation be supported.
12. Some officers that have previously been authorised to enforce legislation no longer work for the City of Albany. These authorisations need to be cancelled.

RECOMMENDATION

THAT Council:

- i) authorises Robert Craig Forster and Lawrence Crispin Elder Travers to enforce the provisions of the following Acts:
 - Section 38 Control of Vehicles (Off-road areas) Act 1978;
 - Section 38 Bush Fires Act 1954;
 - Section 29 Dog Act 1976;
 - Section 26(i) C (i) & (ii) Litter Act 1979-81;
 - Section 59, 59A Bush Fires Act 1954;
 - Part XX Local Government (Misc Provisions) Act 1960;
 - Section 9.10, 9.16 Local Government Act 1995; and
 - Section 3.39(i) Local Government Act 1995.
- ii) authorises Steven Robert Childs (Water Corporation Ranger) and Brendan Jelley, Geoff Harnett, Mark Roddy and Mark True (DEC Rangers) to enforce the provisions of the following acts on Council Reserves:
 - Section 38 Control of Vehicles (Off-road areas) Act 1978;
 - Section 29 Dog Act 1976;
 - Section 26(i) C (i) & (ii) Litter Act 1979-81;
 - Section 59, 59A Bush Fires Act 1954;
 - Part XX Local Government (Misc Provisions) Act 1960;
 - Section 9.13, 9.16 Local Government Act 1995; and
 - Section 3.39(i) Local Government Act 1995.
- iii) authorises Caroline Pugh for the purpose of applying the following Acts:
 - Section 29 Dog Act 1976;
 - Section 3 Dog Act 1976 - Registration Officer;
- iv) hereby cancels authorisations for Sabrina Ann Coster for the purpose of applying the following Acts:
 - Section 3 Dog Act 1976 - Registration Officer;

Voting Requirement Simple Majority

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Item 18.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

THAT Council:

- i) **authorises Robert Craig Forster and Lawrence Crispin Elder Travers to enforce the provisions of the following Acts:**
- **Section 38 Control of Vehicles (Off-road areas) Act 1978;**
 - **Section 38 Bush Fires Act 1954;**
 - **Section 29 Dog Act 1976;**
 - **Section 26(i) C (i) & (ii) Litter Act 1979-81;**
 - **Section 59, 59A Bush Fires Act 1954;**
 - **Part XX Local Government (Misc Provisions) Act 1960;**
 - **Section 9.10, 9.16 Local Government Act 1995; and**
 - **Section 3.39(i) Local Government Act 1995.**
- ii) **authorises Steven Robert Childs (Water Corporation Ranger) and Brendan Jelley, Geoff Harnett, Mark Roddy and Mark True (DEC Rangers) to enforce the provisions of the following acts on Council Reserves:**
- **Section 38 Control of Vehicles (Off-road areas) Act 1978;**
 - **Section 29 Dog Act 1976;**
 - **Section 26(i) C (i) & (ii) Litter Act 1979-81;**
 - **Section 59, 59A Bush Fires Act 1954;**
 - **Part XX Local Government (Misc Provisions) Act 1960;**
 - **Section 9.13, 9.16 Local Government Act 1995; and**
 - **Section 3.39(i) Local Government Act 1995.**
- iii) **authorises Caroline Pugh for the purpose of applying the following Acts:**
- **Section 29 Dog Act 1976;**
 - **Section 3 Dog Act 1976 - Registration Officer;**
- iv) **hereby cancels authorisations for Sabrina Ann Coster for the purpose of applying the following Acts:**
- **Section 3 Dog Act 1976 - Registration Officer;**

CARRIED 11-3

19.0 CLOSED DOORS

Nil

20.0 NEXT ORDINARY MEETING DATE

Tuesday 17th April 2007, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business the meeting closed at 9.03pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Councillor Marshall	11.1.1	Financial – Administrator of Albany Basketball Association and the proponent is on the Committee that runs the Albany Basketball Association and pays his wages.
Councillor Lionetti	11.1.2	Financial – Proprietor of a business that supplies liquor to the applicant.
Councillor Wiseman	11.1.2	Financial – Employee of a business that supplies liquor to the applicant.
Councillor Marshall	12.6.1	Financial – Administrator of Albany Basketball Association and derives income from the Association, which is a major user of the ALAC.
Councillor Paver	12.7.1	Financial – Supplier of marketing services to the City of Albany.

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTERESTS DISCLOSED BY OFFICERS

Nil

[Agenda Item 12.1.1 refers]
[COUNCIL – 20th March 2007]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques		Totalling	\$76,007.62
Electronic Fund transfer		Totalling	\$2,475,404.71
Credit Cards		Totalling	\$4,961.72
Payroll		totalling	\$632,203.00
Total			<u>\$3,188,577.05</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$3,188,577.05 which was submitted to each member of the Council on 20th March 2007 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

ACTING CHIEF EXECUTIVE OFFICER
(P Madigan)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,188,577.05 which was submitted to the Council on 20th March 2007 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)