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# AGENDA

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**For the Ordinary Council Meeting  
To be held on  
Tuesday, 20 March 2012  
7.00pm  
City of Albany Council Chambers**

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

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

The Plan states our vision and values as:

### **VISION**

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

### **VALUES**

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

- Results
- Ethical behaviour
- Accountability
- Leadership

ORDINARY COUNCIL BRIEFING  
 AGENDA – 20/03/2012  
 \*\* REFER DISCLAIMER \*\*

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ORDINARY COUNCIL BRIEFING  
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**3.0 REPORTS-COMMUNITY SERVICES**

3.1 Airport Paper to be provided prior to the Ordinary Meeting of Council

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**5.0 REPORTS – WORKS & SERVICES**

Nil.

**XIV. MOTIONS WITH NOTICE Nil.**

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**

15.1 Notice of Motion by Councillor Calleja-Revocation of Previous Decision of Council 1

**XVI. URGENT BUSINESS APPROVED BY DECISION OF THE MEETING.**

16.1 Motion to Revoke Previous Decision of Council by Mayor Wellington  
16.2 Contract C11022-Construction of Concrete Kerbing

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION**

**XVIII. ANNOUNCEMENT OF NOTICES OF MOTIONS TO BE DEALT WITH AT THE NEXT MEETING**

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

**XX. NEXT ORDINARY MEETING DATE**

**XXI. CLOSURE OF MEETING**

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

**II. OPENING PRAYER**

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

**ITEM 2.0: MOTION 1**

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

**Councillor Elect Caroline Dowling will make a declaration under the *Local Government (Rules of Conduct) Regulations 2007*, witnessed by Mayor Wellington.**

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

**ITEM 3.0: MOTION**

**The Mayor’s Report be RECEIVED.**

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

**V. PUBLIC QUESTION AND STATEMENT TIME**

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

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

Mayor	D Wellington
<b>Councillors:</b>	
Breaksea Ward	V Calleja
Breaksea Ward	R Hammond
Frederickstown Ward	Vacant
Frederickstown Ward	G Stocks
Kalgan Ward	C Holden
Kalgan Ward	Y Attwell
West Ward	G Gregson
West Ward	D Dufty
Yakamia Ward	A Hortin JP
Yakamia Ward	R Sutton
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles

**Staff:**

Chief Executive Officer	F James
Executive Director Corporate Services	P Wignall
Executive Director Community Services	L Hill
Executive Director Planning & Development Services	S Lenton
Executive Director Works & Services	S Grimmer

Minutes	J Williamson
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**Apologies:**

**VII. APPLICATIONS FOR LEAVE OF ABSENCE**

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

**ITEM 8.0: MOTION 1**

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

**ITEM 8.0: MOTION 2**

**THAT the minutes of the Special Council Meeting held on 14 February 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**IX. DECLARATIONS OF INTEREST**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>



- X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS
- XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS
- XII. ADOPTION OF RECOMMENDATIONS EN BLOC

### **RISK MANAGEMENT FRAMEWORK**

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

**1.2: COMMON SEAL AND EXECUTED DOCUMENTS UNDER DELEGATION REPORTS**

**Responsible Officer** : Chief Executive Officer (F James)  
**Attachments** : Common Seal Report

**IN BRIEF**

- Receive the Common Seal Reports for February 2012, which include decisions made by Delegated Authority

**ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Common Seal Report for February 2012 be RECEIVED.**

NOTE: The Common Seal Report will be available prior to the Ordinary Meeting of Council.

CEO:

NCSR1222241        PRO357  
COPY OF COMMON SEAL  
ITEM: 4.6 OCM: 15/03/2011  
REF: SALE OF LOT 409 (18) GIFFORD STREET, LOCKYER - TRANSFER OF LAND  
FORM  
PARTIES: CITY OF ALBANY AND HHG LEGAL GROUP  
MAYOR AND CEO 1 COPY

NCSR1222370        757-11  
COPY OF COMMON SEAL  
ITEM: N/A OCM: N/A  
REF: CONDITION 3 OF SUBDIVISION WAPC 757-11 LOT 2 BURT ST, MT CLARENCE  
PARTIES: CITY OF ALBANY AND AIKEN PTY LTD  
MAYOR AND CEO 1 COPY

NCSR1222541        136228  
COPY OF COMMON SEAL  
ITEM: N/A OCM: N/A  
REF: CONDITION 22 OF SUBDIVISION WAPC 136228  
PARTIES: CITY OF ALBANY AND AIKEN PTY LTD  
MAYOR AND CEO 1 COPY

NCSR1222550        AMD297  
COPY OF COMMON SEAL  
ITEM: 16/02/2010 OCM: 13.2.2  
REF: REZONING OF LOT 2 ROCKY CROSSING ROAD, WARRENUP  
PARTIES: CITY OF ALBANY AND V & A VANDENBERG  
MAYOR AND CEO 3 COPIES

NCSR1222615        PR.DEC.4  
COPY OF COMMON SEAL  
ITEM: 4.6 OCM: 15/03/2011  
REF: SURRENDER OF PORTION OF LEASE HELD BY ALBANY COMMUNITY RADIO  
PARTIES: CITY OF ALBANY AND DEPARTMENT OF REGIONAL DEVELOPMENT AND  
LANDS  
MAYOR AND CEO 1 COPY

NCSR1222618        PRO388  
COPY OF COMMON SEAL  
ITEM: 4.3.15 OCM: 14.12.2010  
ITEM:4.6 OCM: 15.03.2011  
REF: COUNCIL DELEGATION LEASES  
PARTIES: CITY OF ALBANY AND RAINBOW COAST NEIGHBOURHOOD CENTRE INC  
MAYOR AND CEO 1 COPY

NCSR1222646        PRO357  
COPY OF COMMON SEAL  
ITEM: 4.6 OCM: 15/03/2011  
REF: SALE OF LOT 404 (8) GIFFORD STREET, LOCKYER - TRANSFER OF LAND FORM  
PARTIES: CITY OF ALBANY AND HHG LEGAL GROUP  
MAYOR AND CEO 1 COPY

NCSR1222647        PRO357  
COPY OF COMMON SEAL  
ITEM: 4.6 OCM: 15/03/2011  
REF: SALE OF LOT 401 (2) GIFFORD STREET, LOCKYER - AUTHORITY TO ACT FORM  
PARTIES: CITY OF ALBANY AND HHG LEGAL GROUP  
MAYOR AND CEO 1 COPY

NCSR1222687        A5987  
COPY OF COMMON SEAL  
ITEM: N/A OCM: N/A  
REF: LODGING NOTIFICATION ON CERTIFICATE OF TITLE LOT 50,96 LANCASTER RD  
PARTIES: CITY OF ALBANY AND ECKARD ERICH KLEIN AND SHIRLEY PHYLLIS KLEIN  
MAYOR AND CEO 1 COPY

NCSR1222709        PRO383  
COPY OF COMMON SEAL  
ITEM: 4.3.15 OCM: 14.12.2010  
ITEM: 4.6 OCM: 15.03.2011  
REF: SUB LEASE - PART OF LOTTERIES HOUSE 211-217 NORTH ROAD YAKAMIA  
PARTIES: CITY OF ALBANY AND RAINBOW COAST NEIGHBOURHOOD CENTRE AND  
SILVER CHAIN NURSING ASSOCIATION INC (COMMONWEALTH CARELINK AND  
RESPIRE CENTRE)  
MAYOR AND CEO 1 COPY

NCSR1222709        PRO383  
COPY OF COMMON SEAL  
ITEM: 4.3.15 OCM: 14.12.2010  
ITEM: 4.6 OCM: 15.03.2011  
REF: SUB LEASE - PART OF LOTTERIES HOUSE 211-217 NORTH ROAD YAKAMIA  
PARTIES: CITY OF ALBANY AND RAINBOW COAST NEIGHBOURHOOD CENTRE AND  
SILVER CHAIN NURSING ASSOCIATION INC (COMMONWEALTH CARELINK AND  
RESPIRE CENTRE)  
MAYOR AND CEO 1 COPY

NCSR1222720        PRO371  
COPY OF COMMON SEAL  
ITEM: 4.6 OCM: 15.03.2011  
ITEM: 4.3.15 OCM:14.12.10  
REF: DEED OF LICENCE  
PARTIES: CITY OF ALBANY AND DESMOND AND JENNIFER WOLFE AND OCEAN  
BROADBAND LTD  
MAYOR AND CEO 1 COPY

EDR122235 RC.PER.1  
EXECUTED DOCUMENT  
ITEM N/A OCM N/A  
REF: FIRE EVENTS NOTICE SIGNED BY FESA  
PARTIES: CITY OF ALBANY  
CEO 1 COPY

EDR1222328 CS.AGR.5  
EXECUTED DOCUMENT  
ITEM: 4.6 OCM 15/03/2011  
REF: DEMAND RESPONSE SALES AND SERVICES AGREEMENT  
PARTIES: CITY OF ALBANY AND ENERNOC PTY LTD  
CEO 1 COPY

EDR1222450 RV.RPY.9  
EXECUTED DOCUMENT  
ITEM: N/A OCM: N/A  
REF: INTEREST ON OUTSTANDING RATES AND EMERGENCY SERVICES LEVY  
PARTIES: CITY OF ALBANY AND OFFICE OF STATE REVENUE - DEPARTMENT OF  
TREASURY  
CEO 1 COPY

EDR1222451 GR.STL.13  
EXECUTED DOCUMENT  
ITEM: 4.6 OCM 15/03/2011  
REF: COMMUNITY SPORTING AND RECREATION FACILITIES FUND SMALL GRANT  
APPLICATION  
PARTIES: CITY OF ALBANY AND DEPT. OF SPORT AND RECREATION AND ALBANY  
JUNIOR CRICKET ASSOCIATION  
CEO 1 COPY

EDR1222454 FM.AUT.1  
EXECUTED DOCUMENT  
ITEM: 4.6 OCM 15/03/2011  
REF: FORM 3 OF RENEWAL OF REGISTRATION OF BUSINESS NAME ALBANY  
REGIONAL BOOKING SERVICE  
PARTIES: CITY OF ALBANY AND DEPT. OF COMMERCE  
CEO 1 COPY

EDR1222456 CS.AGR.5  
EXECUTED DOCUMENT  
ITEM: 4.6 OCM 15/03/2011  
REF: EXCLUSIVE SUPPLY AGREEMENT FOR SUPPLY OF BEVERAGE PRODUCTS (4)  
YEARS  
PARTIES: CITY OF ALBANY AND COCA COLA AMATIL AUSTRALIA PTY LTD  
CEO 1 COPY

EDR1222611 GR.STL.2  
EXECUTED DOCUMENT  
ITEM: N/A OCM: N/A  
REF: ANNUAL REPORT TO WALGA ON ROADS EXPENDITURE FOR 2010/11  
FINANCIAL YEAR  
PARTIES: CITY OF ALBANY AND WALGA  
CEO 1 COPY

EDR1222620 CP.SEC.6  
EXECUTED DOCUMENT  
ITEM: N/A OCM: N/A  
REF: PURCHASE ORDER FOR ALBANY AIRPORT MASTER PLAN AND SECURITY  
UPGRADE JOB 7544  
PARTIES: CITY OF ALBANY AND AECOM AUSTRALIA  
CEO 1 COPY

EDR1222645 GS.PRG.23  
EXECUTED DOCUMENT  
ITEM: 4.3 OCM: 14.12.10  
REF: FUNDING APPLICATION FOR COMMODITY ROUTE SUPPLEMENTARY FUND  
PALMDALE RD AND PFEIFFER RD  
PARTIES: CITY OF ALBANY AND MAIN ROADS  
CEO 1 COPY

EDR1222648 IM.OPT.4  
EXECUTED DOCUMENT  
ITEM: N/A OCM: N/A  
REF: SUPPORT AGREEMENT FOR RADIO LINKS  
PARTIES: CITY OF ALBANY AND NEC PTY LTD  
CEO 1 COPY

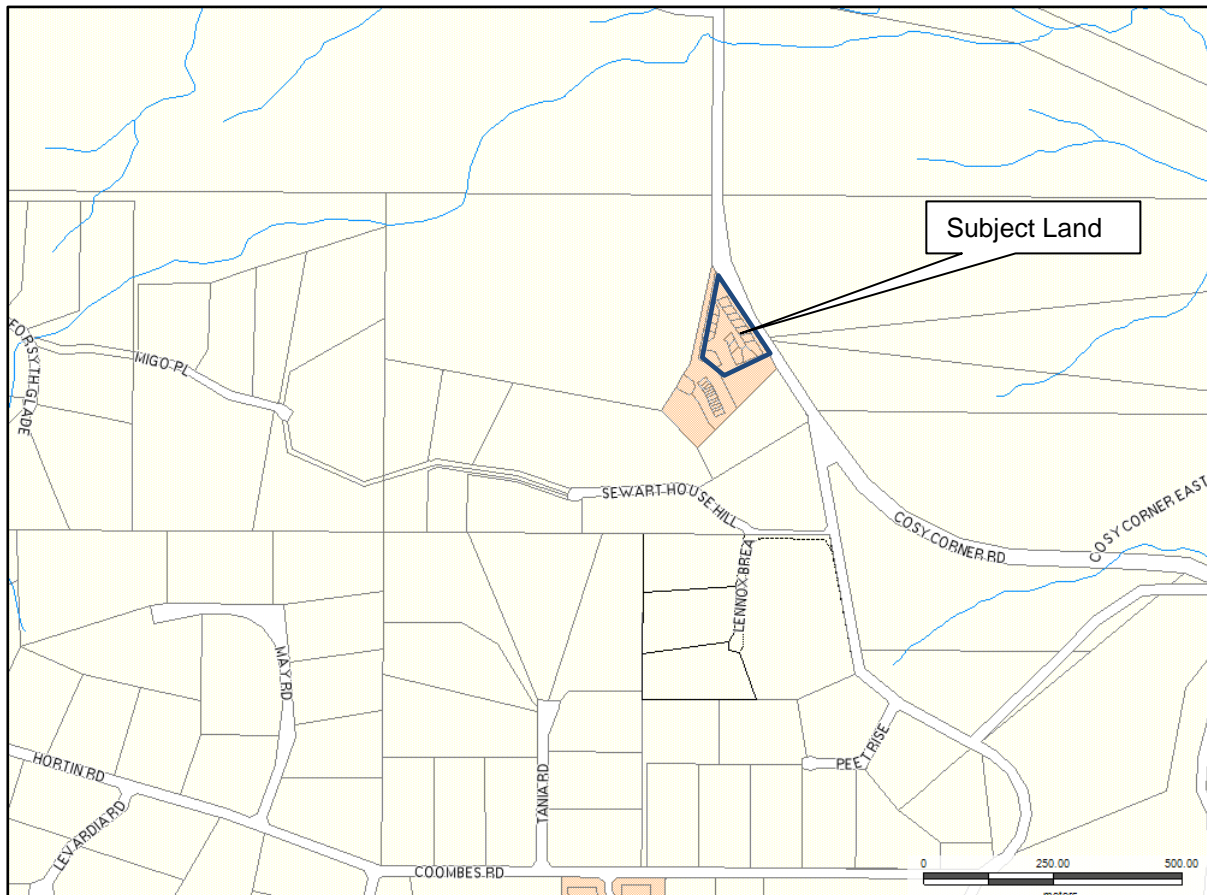
EDR1222705 PR.ACQ.1  
EXECUTED DOCUMENT  
ITEM: 4.9 OCM: 21.02.12  
REF: PORTION OF LAND LOT 9000. NO.688 LOWER DENMARK ROAD, CUTHBERT  
PARTIES: CITY OF ALBANY AND BJ PANIZZA  
CEO 1 COPY

EDR1222724 PS.MAI.4  
EXECUTED DOCUMENT  
ITEM: 4.6 OCM: 15.03.11  
REF: INVOICE - COMMERCIAL POOL BLANKET  
PARTIES: CITY OF ALBANY AND ELITE POOL COVERS  
CEO 1 COPY

**2.1: INITIATION OF AMENDMENT – LOTS 2 AND 13 ON STRATA PLAN  
37046 COSY CORNER ROAD, KRONKUP**

<b>Land Description</b>	: (Lots 2 and 13 on strata plan 37046) Unit 2 and 13, 256 Cosy Corner Road, Kronkup
<b>Proponent</b>	: Harley Global Pty Ltd
<b>Owner/s</b>	: Geoscience Consulting Pty Ltd
<b>Business Entity Name</b>	: Geoscience Consulting Pty Ltd
<b>Director/s</b>	: Stephen Leonard Lipple
<b>Councillor Workstation</b>	: Amendment Document (AMD311)
<b>Responsible Officer(s)</b>	: Acting Executive Director Planning and Development Services (S Lenton)

**Maps and Diagrams:**



**IN BRIEF**

- Determine whether to initiate the proposed Scheme Amendment to modify the existing scheme provisions in a way that it will permit a group dwelling and the permanent residential use of Lots 2 and 13 within the existing short term accommodation development.
- It is recommended that the amendment not be initiated, as the proposal is contrary to the intent of the area according to ALPS.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**ITEM 2.1: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 13(1)(b)* of the *Town Planning Regulations 1967* resolves NOT TO INITIATE Amendment No. 311 to Town Planning Scheme No. 3, as the proposal is not in accordance with the Councils endorsed Albany Local Planning Strategy and also does not represent orderly and proper planning.**

**BACKGROUND**

1. Amendment 311 proposes to amend Town Planning Scheme (TPS) No. 3 by modifying the Special Use Zone Area No. 8 provisions in Schedule 3 of TPS 3 to allow for the permanent residential use of units 2 and 13 (Lots 2 and 13) 256 Cosy Corner Road, Kronkup.
2. Lots 2 and 13 on Strata Plan 37046 at number 256 Cosy Corner Road, Kronkup, Torbay form part of the 'Cosy Corner Beach Cottages' site (formerly known as Cosy Corner Eco-Village).
3. The Cosy Corner Beach Cottages site is currently zoned 'Special Use' and included as Special Use Zone Area No. 8 in Schedule 3 of TPS 3.

4. Special Use Zone Area No. 8 was set up for tourism uses and allows for the following additional uses:

*Chalet Accommodation (Max 15), Caretakers/Managers Dwelling, Private Recreation, Shop (Max. Retail NLA of 150m2) and other incidental or non defined activities considered appropriate by Council which are consistent with the objective of the zone.*

5. Special Use Zone Area No. 8 special conditions includes the following restriction:

*"Chalet length of stay shall be limited to 3 months in any 12 month period, and such restriction shall be noted on the titles of the chalet strata lots."*

**DISCUSSION**

6. The site currently contains the 'Cosy Corner Beach Cottages' accommodation and associated uses. The site consists of a total of eighteen strata lots which include a caretaker/manager's residence, a shop, chalets and recreational facilities.
7. The Site is currently serviced by electricity, bottled gas, telephone and septic systems in the common property areas. The amending document incorrectly refers to the development as being provided with services that includes sewerage (as opposed to septic systems). Reticulated sewer or water is not available.
8. Strata Lots 2 and 13 both contain existing chalets that are currently only permitted to allow the occupancy by a specific party for a maximum of three months in any 12 month period.
9. The site is adjacent to another holiday accommodation development known as the Torbay SeaView Apartments to the south, and rural land to the west (currently subject of a rezoning application from "Rural" to "Special Rural" AMD 308) and a Parks and Recreation Reserve to the east (opposite side of Cosy Corner Road).



10. The size of the 15 chalet lots range between 324m<sup>2</sup> and 546m<sup>2</sup> with the average lot size of 382m<sup>2</sup>. Lot 2 is 427 m<sup>2</sup> and Lot 3 is 546m<sup>2</sup>. The caretakers dwelling is located on a lot size of 993m<sup>2</sup> and the shop is located on a lot size of 1198m<sup>2</sup> the common property area is 5715m<sup>2</sup>.
11. The amendment is proposing to enable two of the 15 lots to be used as a group dwelling instead of chalet and thus also enable the permanent residential use of the dwelling instead of short stay accommodation (tourism use).
12. According to the applicant the Cosy Corner Beach Cottages site has been in operation for approximately ten years and although the majority of the site is developed, the site is not functioning to its full potential due to lack of demand.
13. The applicant is of the opinion that the proposal to modify the uses permitted in Special Use Zone Area No. 8 is consistent with the State Government and City of Albany requirements for mixed tourism and residential developments and:
  - a. *that the proposal will benefit the existing site by allowing passive surveillance and security as well as promoting the use and support of the shop and other facilities on site.*
  - b. *The proposal will help the Cosy Corner Beach Cottages site generally to be better used and facilitate the completion of the development (i.e. the construction of the three vacant strata lots).*
  - c. *The proposed amendment will ensure the main use of the site remains as tourism with the residential component limited to 13% of the site which is well below the State and Local Government planning requirements.*
14. Albany Local Planning Strategy - The most pertinent sections of the ALPS are as follows;
  - a) "Section 8.3.5 – Rural Living  
  
*...Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located either adjacent to Albany as designated on the ALPS maps, or within existing rural townsites in accordance with Table 5 along with adequate services and community infrastructure...."*  
  
"The strategy's objectives for Rural Living areas are to:
    - *Provide for compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities...*"
15. Table 5 within the ALPS identifies the proposed function of Torbay Hill as; Rural residential and Tourist accommodation.
16. The strategy does not allow for additional growth of the Torbay Hill Townsite but allows for permanent residential via infill only and keeping the prevailing rural residential lot sizes.
17. ALPS does not envisage a change in the character of the Townsite and proposes the continuation of the tourism use and special rural (rural residential) use.

18. The proposal is likely to be a catalyst and precedent for changing other the short term accommodation uses to permanent residential uses. This will change the character of the Townsite, contrary to the intended rural-residential and tourism use and function of the area.
19. The proposal will lead to residential use of the area that will affect the amenity of the development and is likely to cause land use conflict that will be detrimental to the intended tourism use of the site.
20. Adequate provision has already been made for surveillance by allowing for a caretakers dwelling. It is also not clear how the permanent use of two units will increase the sustainability of the shop or facilitate the development of the other three units.
21. The way in which the site has been developed does not provide for the adequate separation between tourism and permanent residential uses and land use conflict will therefore be unavoidable.
22. The amendment is furthermore considered a spot rezoning, speculative and does not appear to have any strategic planning merit.
23. The proposed change will set an unwanted precedent for other units/lots within the development and the adjoining tourist site that would also like to change to permanent residential.
24. The amendment is therefore not recommended for initiation

#### **GOVERNMENT CONSULTATION**

25. Should Council initiate the Amendment and the EPA decides not to assess the proposal, the Amendment will be referred to all relevant Government agencies for assessment and comment.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

26. Should Council initiate the Amendment and the Environmental Protection Authority (EPA) decides not to assess the proposal, the Amendment will be advertised to the public and individual notice will be provided to all affected and surrounding landowners.

#### **STATUTORY IMPLICATIONS**

27. All Scheme Amendments undergo a statutory process in accordance with the Planning and Development Act 2005 and Town Planning Regulations 1967.
28. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
29. An Amendment to a Town Planning Scheme adopted by resolution of a Local Government must then be referred to the EPA for assessment.
30. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the Amendment is environmentally acceptable.
31. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

## STRATEGIC IMPLICATIONS

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

**Key Focus Area**

Sustainability and Development

**Community Priority**

A sustainable future

**Proposed Strategies**

Establish satellite township hubs in areas such as Young's Siding, Redmond, Manypeaks and Wellstead to provide services (*basic shopping necessities and recreational areas.*)

33. Council's decision on the Scheme Amendment should be consistent with the objectives of the ALPS as the principal land use planning strategy for the City.
34. Albany Local Planning Strategy - The most pertinent sections of the ALPS are as follows;

b) "Section 6.2.4 Rural Town sites

*...The planning and development of rural townsites need to be based on appropriate development options to maintain their function and the availability of infrastructure and community facilities...*

*Actions: Identify in the LPS1 the settlements of Redmond, Manypeaks, Youngs Siding, Elleker, Torbay Hill, Kalgan, Wellstead, South Stirling and Cheyne Beach as existing rural focal points and settlement centres with the potential for additional development in accordance with Table 5. Structure planning is required for each townsite (CoA)."*

c) Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

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

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

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

d) "Section 8.3.5 – *Rural Living*

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

“The strategy’s objectives for Rural Living areas are to:

- *Provide for compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities...”*

35. Table 5 within the ALPS identifies the proposed function of Torbay Hill as; Rural residential and tourist accommodation.
36. The strategy does not allow for additional growth of the Torbay Hill town site but allows for Permanent residential via infill only and keeping the prevailing rural residential lot sizes.
37. ALPS does not envisage a change in the character of the Townsite and proposes the continuation of the tourism use and special rural use (rural residential).
38. The proposal is considered to be inconsistent consistent with the intent of the area as identified the ALPS.
39. Tourism Accommodation Strategy - The subject site is included in the Cosy Corner Precinct of the Tourism Accommodation Planning Strategy. The following Strategic Action recommended in the strategy: “Cosy Corner East and the **Torbay Locality area are a “Suitable Tourism Site / Locality”**, however Cosy Corner East has little potential to be expanded or redeveloped as a caravan park. The site retains value to the local community as a bush camp and the leasing of the reserve should proceed in accordance with the management plan. It should be retained as a Crown Reserve to preclude the land from being removed from longer term community ownership and potential conversion back to recreational usage. Development of larger tourism based projects in the locality should be encouraged but the form and scale of the development needs to be carefully planned and community support obtained through the rezoning process. No further action is recommended to zone land, or recognize this locality in the Community Planning Scheme.”

## POLICY IMPLICATIONS

40. The State Government’s position on the provision of tourism facilities is reported in the Tourism Planning Taskforce Report (January 2006) and further refined in the Western Australian Planning Commission’s Planning Bulletin 83 dated July 2011. This bulletin sets out the policy position of the Western Australian Planning Commission (WAPC) to guide decision making by the WAPC and local government for subdivision, development and scheme amendment proposals for tourism purposes.
41. The Tourism Planning Taskforce (the Taskforce) was established in September 2002, to address the growing practice of using land zoned for tourism purposes for residential development and the effect of strata schemes on tourism developments. The primary concerns were related to the ongoing operation of strata titled tourist development; the potential conflict between short stay tourists and permanent residents; and the increasing pressure to redevelop tourism sites for other purposes such as residential.

42. This Planning Bulletin addresses the matters identified in the review while highlighting the key considerations when planning for tourism.
43. This Report does not intend to respond in detail to all of the issues contained in the Taskforce's report. The main concerns flowing from the report relate to the loss of, or the permanent residential occupation/conversion of, tourism infrastructure and to maintaining the low yield tourism assets for the next generation of tourists.
44. The Planning Bulletin Policy objectives include:
- Highlighting the importance of strategic planning for tourism.
  - Recognise local and regional variations in tourism demand and development pressures; and their impacts on the viability of tourism development, in assessing and determining tourism proposals.
  - Provide guidance to local government in planning for tourism development to be undertaken as part of the local planning strategy process.
  - Provide guidance on the development of non tourism uses on tourism sites.
  - Provide for flexibility in the design and assessment of tourism and mixed use development
45. The planning bulletin also includes the following pertinent points for consideration;

Interim Policy

Where a local government does not have an endorsed local planning strategy or local tourism planning strategy consistent with the policy framework outlined in this bulletin, and a scheme amendment or development application is proposed for an existing tourist zoned site to support residential or a non-tourism use, the amendment report or development proposal should address the matters specified in this planning bulletin, the Local Planning Policy Manual 2010, and any other relevant State and local government policies.

If this site is located within an existing and or potential tourism precinct, the amendment report/development proposal should, where appropriate, take into account the issues and objectives for the precinct and the importance of tourism in the locality.

Residential development within tourism sites

Proposals for permanent residential use or other non-tourism uses on tourism sites to facilitate the development of tourist accommodation should be considered on a case by case basis. Determination of the suitability and extent of the residential development should be based on an assessment of the proposal against the following principles, the sites tourism value and other matters considered relevant to a particular site, precinct or location:

- Whether the site has the capacity to be developed for a mix of uses and can also deliver a sustainable tourism outcome that will result in the size, type and quality of tourist accommodation appropriate to the site and location.
- The suitability and sustainability of residential development within the broader planning and settlement context of the site.
- Assessment of the existing tourist accommodation facilities in the area which takes into consideration the capacity for new tourism development and the projected demand/range of tourist accommodation in a precinct, locality or region
- In all cases, the scale of residential development should complement the tourism component and priority given to locating the tourism component on those areas of the site providing the highest tourism amenity, (eg. the beachfront).
- Residential units are designed to encourage integration into the management/letting pool for the tourism facility.
- Innovative master planning of the site to integrate residential and tourism components of the site to both enhance the tourism component of the site and to ameliorate potential conflicts that may arise; such as noise, between tourist accommodation and permanent residents.
- Provision of appropriate lot sizes that will attract the desired tourism operator and type of tourism accommodation required.
- The intensity and compatibility of land use and development including consideration of lot sizes, building heights, scale and character of development and the potential impacts on the surrounding area.
- Compliance with the relevant State and local government policies and guidelines.
- The location of all units on the site shall provide for ease of tourism access through the site.
- The tourism component of a mixed use development shall incorporate those facilities normally associated with tourist accommodation developments such as recreation, entertainment facilities and integrated management facilities.
- Appropriate staging so that the tourism development and provision of facilities occurs concurrently to the residential component of a mixed use development.
- Where strata titling is proposed, appropriate management arrangements in a management statement which ensures that all units will be let out for tourism purposes, preferably by an on-site letting agent (manager).

- Conversion of an existing tourism development to facilitate a residential component should not be supported without a resultant tourism benefit; such as an increase in the number, or significant upgrade of, tourism units and facilities.

46. It is considered that the proposal is not in line with the objectives of this policy and the non-tourism development (i.e. residential) on the site will compromise the tourism values of the site; and it is anticipated that there will be a land use/planning conflict between the residential use and the adjacent and nearby land uses and zones including the tourism activity on the balance of the lot.
47. The Conversion of the tourism development to facilitate a residential component will not result in an increase of the tourism benefit; such as an increase in the number, or significant upgrade of, tourism units and facilities. According to the policy this proposal should therefore not be supported.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The proposal will result in Land use conflict.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Land use conflict between Residential use and Tourism use is unavoidable given the way that the site was developed.  Some of the risk can be mitigated through Strata rules. This may however not always be effective and practical the best mitigation will be not to support the proposal in accordance with officer's recommendation.</i>
<i>The proposal will set a precedent and will lead to a loss of tourism facilities in the area.</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>The only way to mitigate this risk will be not to support the proposal in accordance with officers recommendation.</i>

### FINANCIAL IMPLICATIONS

49. The prescribed planning fee of \$2500 has been received and staff has processed the application within existing budget lines.

### **LEGAL IMPLICATIONS**

50. Regulation 13(1) of the *Town Planning Regulations 1967* (as amended), requires that Council pass a resolution either:
- a) To proceed with the Scheme, adopt the proposed Scheme in accordance with the Act; or
  - b) Not to proceed with the Scheme, notify the Commission in writing of that resolution.
51. Council must therefore pass a clear resolution in accordance with regulation 13 (1) and if it resolves not to proceed with the Scheme Amendment under regulation 13(1)(b), it is required to notify the Commission in writing of that resolution.

### **ALTERNATE OPTIONS**

52. Council has the following options in relation to this item, which are to resolve:
- To initiate the Scheme Amendment without modifications;
  - To initiate the Scheme Amendment with modifications; or
  - Not to initiate the Scheme Amendment.
53. A resolution to initiate an Amendment to a Town Planning Scheme adopted by resolution of a Local Government must be referred to the EPA for assessment.
54. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the Amendment is environmentally acceptable.

### **SUMMARY CONCLUSION**

55. The amendment seeks to modify the existing scheme provisions in a way that it will permit a group dwelling and the permanent residential use of Lots 2 and 13 within the existing short term accommodation development.
56. The City officers do not recommend the amendment for initiation because they are of the opinion that the proposal is likely to;
- i. Be a catalyst and create a precedent for changing other short term accommodation uses to permanent residential uses. This will change the character of the town site, contrary to the intended rural-residential and tourism use and function of the area.
  - ii. The proposal will lead to residential use of the area that will affect the amenity of the development and is likely to cause land use conflict that will be detrimental to the intended tourism use of the site.
  - iii. The amendment is considered a spot rezoning, speculative and does not appear to have any strategic planning merit.
  - iv. The way in which the site has been developed does not provide for the adequate separation between tourism and permanent residential uses land uses advocated in the WAPC Planning Bulletin No. 83.

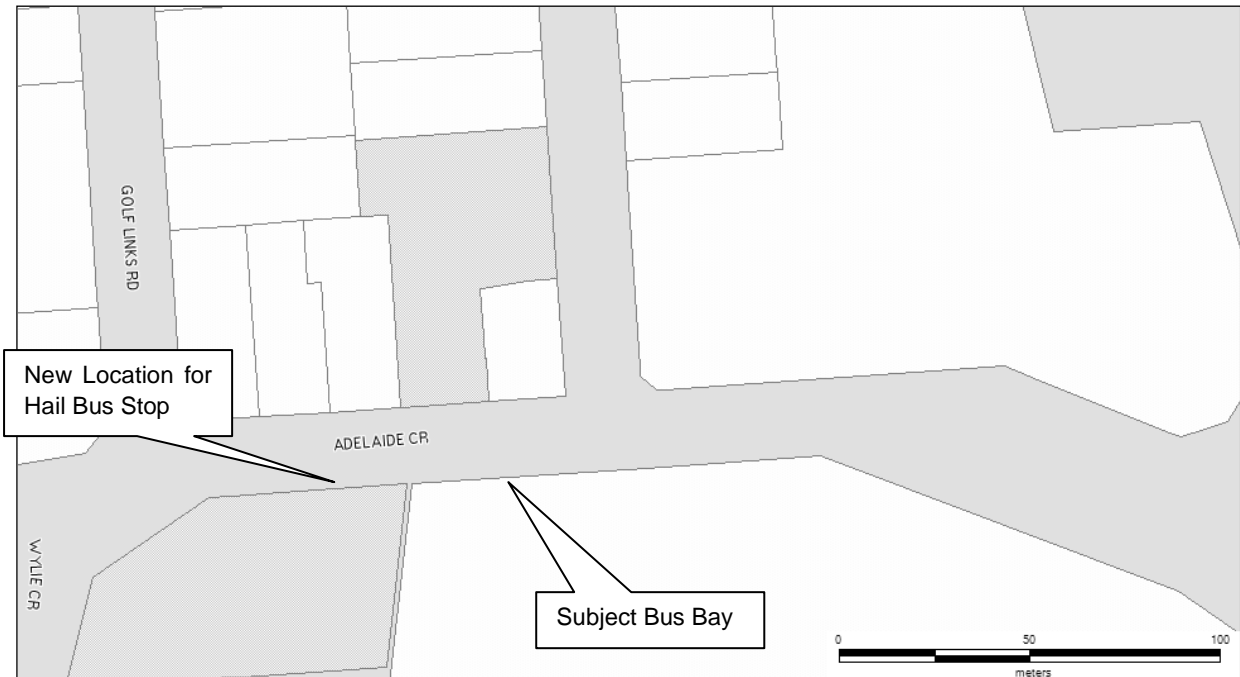


<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	AMD 311 (West Ward)

**2.2: REMOVAL OF PARKING RESTRICTION – BUS BAY ADELAIDE CRESCENT MIDDLETON BEACH**

<b>Land Description</b>	: Bus Bay Adelaide Crescent, Middleton Beach
<b>Proponent</b>	: City of Albany
<b>Owner/s</b>	: City of Albany
<b>Business Entity Name</b>	: N/A
<b>Attachment(s)</b>	: Design of parking layout in verge bay : Aerial photograph with proposed location for Hail Bus Stop
<b>Councillor Workstation</b>	: Copy of OCM 16/11/10 – Item 1.1 : Copy of letter from Public Transport Authority : Copy of letter from Loves Bus Service
<b>Responsible Officer(s)</b>	: Acting Executive Director Planning and Development Services (S Lenton)

**Maps and Diagrams:**



**IN BRIEF**

- Remove the bus stop designation for the Adelaide Crescent road verge bay to allow parking.
- Relocate 'Hail Bus Stop' post and designation at least 20m to the west of the existing road verge bay on the same side of Adelaide Crescent.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council resolves to:**

- 1) Remove the bus stop designation from the Adelaide Crescent road verge bay and replace with regular parking bays as per the Attached Plan(s);**
- 2) Support the relocation of the 'Hail Bus Stop', at the developers cost, to a point at least 20m west of the existing Adelaide Crescent road verge bay in accordance with the specifications of the Public Transport Authority.**
- 3) Delineate via road markings and signage a no-standing area between the relocated bus stop and the revised regular parking bays to be located in the existing embayment, at the developer's cost.**
- 4) Advise all surrounding landowners of the parking change and place a notification in the local newspaper, at the developer's cost.**

**BACKGROUND**

1. Council resolved to grant planning scheme consent for a change of use to 'Tavern' at 18 Adelaide Crescent, Middleton Beach at the Ordinary Council Meeting on 16 November 2010 (Item 1.1). The change of use, when implemented, would give rise to an increased demand for parking that cannot be accommodated on the existing developed site.

2. Condition A1 of the planning approval issued reads:

*Prior to occupancy of the tavern use, the proponent is to provide 5 new car bays within the Adelaide Crescent Road Reserve, or where this is not possible or practical as determined by the Executive Director Works and Services, provide a cash-in-lieu contribution for the parking shortfall in accordance with the specifications of Council's Policy 'Guidelines for the Assessment of Off-site, Verge and Cash-In-Lieu Car parking Proposals'.*

3. The expectation of the City and Council was for the parking requirement associated with the change of use to be accommodated by the construction of bays in the road verge in the immediate vicinity. Such construction was to be to the City of Albany specifications at the developers cost.
4. Due to the location of services within the road verge and the requirement for the additional parking bays to be located within a 50m walking distance of the use; the developer proposes to utilise the under used 'Hail Bus Stop' bay opposite 18-20 Adelaide Crescent. The bay will be upgraded and elongated to accommodate the 5 required car parking bays.
5. The bay is a designated bus stop and under the City of Albany Parking and Parking Facilities Local Law 2009; parking is prohibited in the bay as well as 20m on the approach side to the bay and 10m beyond the departure side of the bay.
6. The designation of the bay as a bus stop needs to be rescinded to enable the development of the bay to accommodate general car parking.

**DISCUSSION**

7. The planning approval for the tavern indicates the City of Albany preference for the off-site parking to be provided in the Adelaide Crescent road reserve. Such provision must be in close proximity to readily serve the site responsible for the demand. It is widely accepted that parking serving a specific site/use/operation should be located within a walkable 50m radius of the site.
8. With the Adelaide Crescent road reserve identified as the preferred location, the developer has investigated the practicalities and constraints such as the location of sewer and drainage services etc. This investigation identified the existing bus bay as the best location for the required 5 car parking bays.
9. The City of Albany Parking and Parking Facilities Local Law 2009 prohibits parking in, at and around bus stops. As such, Council is required to remove the designation of this bay as a bus stop, for the bay to be altered and used for general parking provision.
10. The Public Transport Authority requires a bus stop to be retained in this vicinity, but the stop is not required to be a dedicated bay as it is an on demand rather than a timed stop. The local bus company (Loves Bus Service) does not consider this an essential stop and has no objection to the removal of the bay.

#### **GOVERNMENT CONSULTATION**

11. The Public Transport Authority has been consulted regarding the removal of the bus stop from the bay. Their response states that the bay is not essential from an operational perspective as the stop is not timed and buses only need to dwell for long enough to pick up and set down passengers. They have added that it is necessary to retain a bus stop at this location and have provided details of disability accessibility requirements for bus stops as a new (replacement) stop will need to comply with current requirements.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

12. Loves Bus Service sent a response to the Public Transport Authority advising they have no objection to the removal of the bus stop at Adelaide Crescent.
13. The businesses and residents in close proximity to the existing bus bay have not been formally consulted, but will be informed as a result of the notification as outlined in part four (4) of the proposed resolution. It is anticipated that the businesses in close proximity to the existing bus bay will benefit from the additional 5 (non-exclusive) parking bays to be provided.

**STATUTORY IMPLICATIONS**

14. Clause 1.8 of the Parking and Parking Facilities Local Law 2009 states:

***“Powers of the local government***

*The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle, any class of vehicles or any class of drivers in any part of the parking region but must do so consistently with the provisions of this Local Law.”*

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

17. The risk identification and categorisation relies on the City’s Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Re-locating the bus stop from the dedicated bay into the road may give rise to traffic conflict.</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>Low</i>	<i>No mitigation – the frequency of use of the bus stop together with it being a hail only stop means this is unlikely to arise and is an ordinary traffic hazard for drivers.</i>
<i>Not re-locating the bus stop removes the developer’s ability to provide compliant additional parking. The only remaining option would be a cash-in-lieu payment, which may mean the Tavern development is not financially viable.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>The recommendation to re-locate the bus stop is reasoned and justified.</i>  <i>No mitigation – the economic and financial viability of a private development is not a City of Albany concern.</i>

**FINANCIAL IMPLICATIONS**

18. There are no financial implications for the City of Albany arising from this item. The costs associated with the relocation of the bus stop and work to upgrade the road verge bay for parking (including line marking the road) are to be borne by the developers of the tavern at 18 Adelaide Crescent.

**LEGAL IMPLICATIONS**

19. There are no legal implications relating to this item.

**ALTERNATE OPTIONS**

20. Council has the following options in relation to this item, which are:
- To resolve not to remove the bus stop designation over the Adelaide Crescent road verge bay;
  - To remove the bus stop designation from the Adelaide Crescent road verge bay and re-allocate it to a point at least 20m west of the identified bay as per staff's recommendation.

**SUMMARY CONCLUSION**

21. At the time of consideration of the application for planning scheme consent for change of use to tavern; it was identified that the Adelaide Crescent road verge was potentially an appropriate location for off-site car parking provision.
22. Investigation by the developer has identified the existing bus stop bay as the most appropriate location for the required parking, due to the constraint of proximity of services elsewhere in the vicinity. It is important to note that the on-street bays will not be for the exclusive use of patrons attending the tavern of café, but available to all members of the public.
23. The City of Albany Parking and Parking Facilities Local Law requires a resolution of Council to alter any parking designation or prohibition, which in this instance is sought to move a 'Hail Bus Stop' approximately 20m west along Adelaide Crescent.
24. The Public Transport Authority and local bus company have no objection to this relocation of the bus stop.

<b>Consulted References</b>	City of Albany Parking and Parking Facilities Local Law 2009.
<b>File Number (Name of Ward)</b>	RD.DEC.8(Frederickstown Ward)
<b>Previous References</b>	Nil

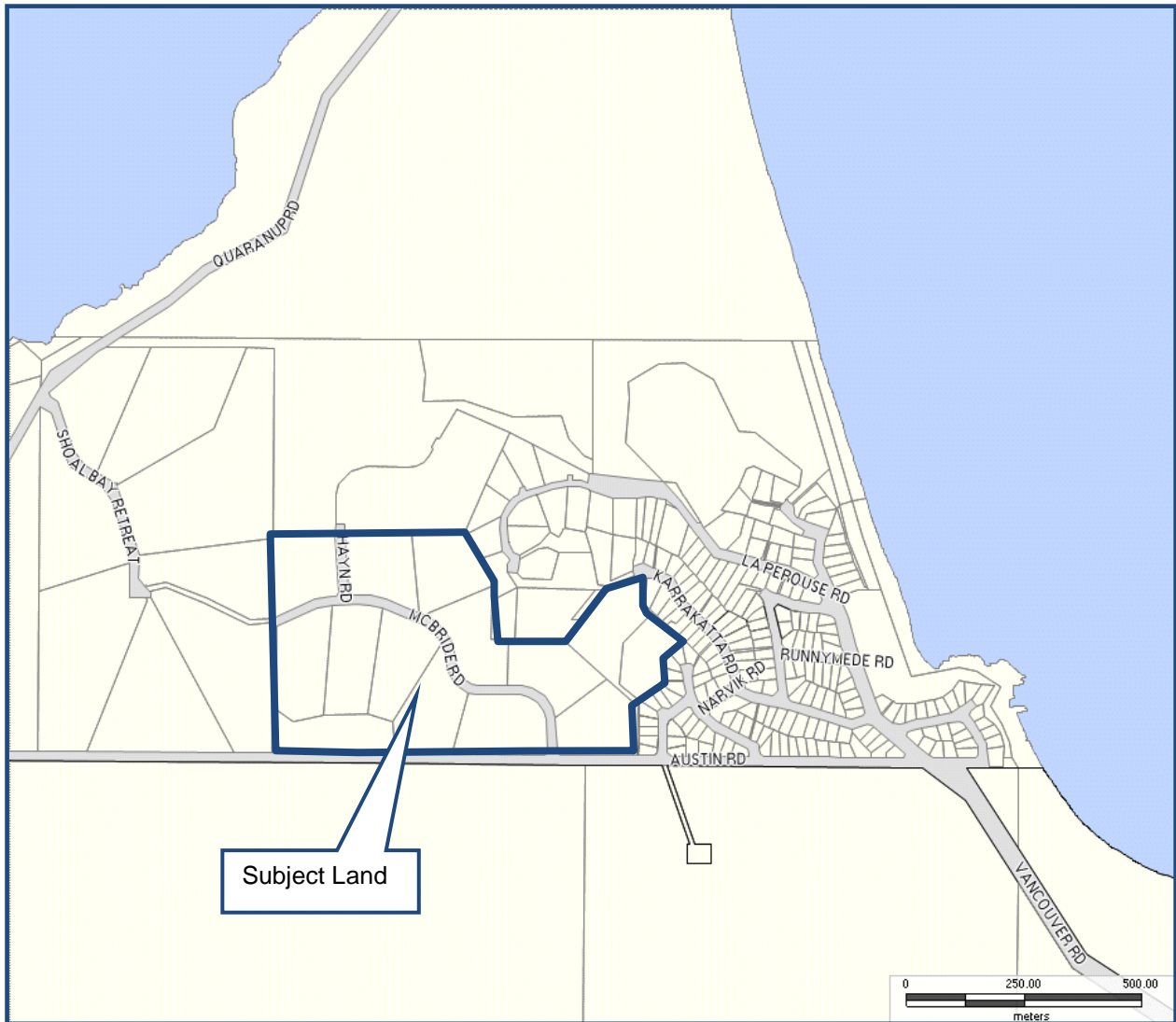
**2.3 FINAL APPROVAL OF SCHEME AMENDMENT – LOTS 6, 7, 8, 9, 10  
AND 11 MCBRIDE ROAD, GOODE BEACH**

- Land Description** : Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach  
**Proponent** : Ayton Baesjou Planning  
**Owner** : Mr John Bates & Ms SA Swift ,J Bell ,Shelley Mettam, WF & FD Beard, B & L Campbell, AW & GM Hogstrom  
**Business Entity Name** : N/A  
**Attachment(s)** : Schedule of Submissions, Subdivision Guide Plan from  
**Appendices** : amendment ,The amendment document (AMD 293) without attachments 2,3 and 4  
**Councillor Workstation** : The Amendment Document (AMD 293) including Attachment 1 - special provisions; Attachment 2 -land capability ,geotechnical assessment , Flora and Fauna assessment; Attachment 3 - Fire Management Plan Attachment 4 - Visual Impact assessment  
**Responsible Officer** : Acting E/Director Planning and Development Services (S Lenton)

**CEO:**

**RESPONSIBLE OFFICER:**

**Maps and Diagrams:**



**IN BRIEF**

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to Town Planning Scheme No. 3,
- proposing modifications to the scheme provisions and the subdivision guide plan for “Special Rural Area 5”.
- Recommended that amendment be adopted for final approval subject to modifications.



**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **FINALLY ADOPTS WITH MODIFICATIONS** Amendment No. 293 to Town Planning Scheme No. 3 for the purpose of:

*Modifying the Plan of Subdivision and associated special provisions for “Special Rural” Zone No. 5 - McBride Road, Goode Beach.*

*Subject to the following alterations to the subdivision Guide plan ;*

- a. *Increase the fire protection standards required for new dwellings to BAL 29 or BAL 40 to allow for improved vegetation connectivity across current Lots 8 and 9; and*
- b. *Modify the location of the indicative building envelope on proposed Sublot 10 (south east corner of Lot 7) to allow for the retention of an undisturbed vegetation linkage along the eastern boundary of the subject land between Austin Road and Reserve 43531.*

**AND**

2. **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

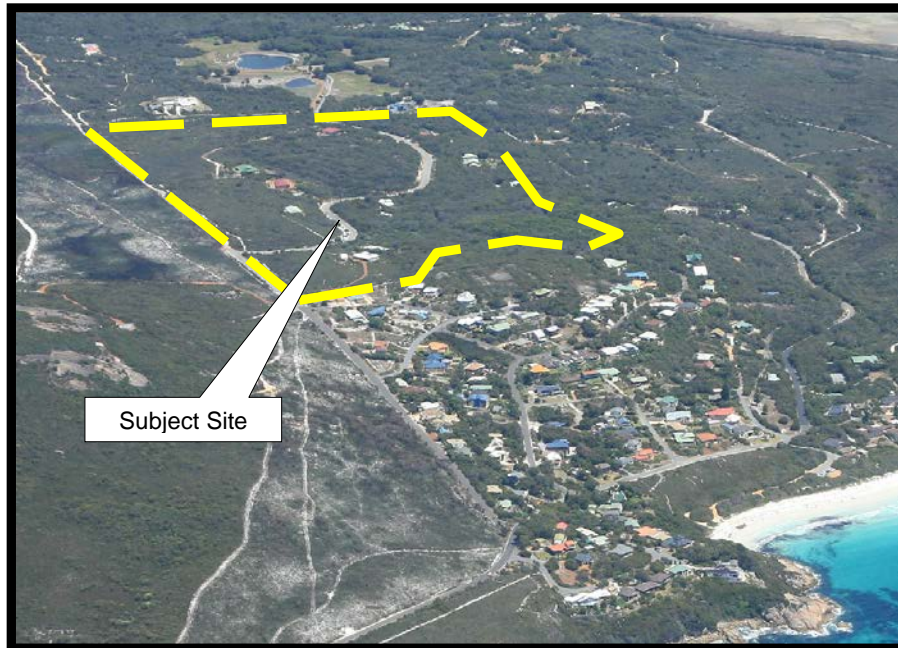
**BACKGROUND**

1. The City has received an application from Ayton Baesjou Planning (planning consultants) seeking to amend Town Planning Scheme No. 3 by amending the scheme provisions and the subdivision guide plan for “Special Rural Area Zone No. 5”.
2. The land is currently zoned “Special Rural” (Special Rural Zone No. 5) in Town Planning Scheme 3.
3. The current subdivision guide plan contains 12 lots of approximately 2 hectares each.
4. By amending the scheme provisions and the subdivision guide plan for Special Rural Zone No. 5, the subject area could be developed at a higher density with lot sizes not smaller than 1 hectare.
5. The amendment will potentially result in the creation of 6 additional lots through the subdivision of Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach.
6. At its Ordinary Meeting on 18 March 2008 Council resolved to support the submission of a formal scheme amendment application for Lots 6, 7, 8, 9, 10 & 11 McBride Road, on condition that the following matters be addressed:

- i) The development of a visual impact assessment report for the area and additional recommended landscape protection measures;
  - ii) a vegetation study and protection plan;
  - iii) a land capability study;
  - iv) a fire management plan; and
  - v) The Subdivision Guide Plan to be amended with lot sizes not being smaller than 1 hectare, were supported by the land capability study.
7. The matters outlined above have all been broadly addressed in the amending document, which was initiated by Council at the Ordinary Meeting held on 17 May 2011.
8. The successful completion of this Amendment will facilitate subdivision of the subject land for 'Special Rural' living, in keeping with the Strategic Objectives and aims set out in the Albany Local Planning Strategy (ALPS).

### **DISCUSSION**

9. The subject site area is identified within the Albany Local Planning Strategy (ALPS) for rural residential use (which reflects the current zoning of the land).
10. The amendment document discusses and includes:
- i) a visual impact assessment report;
  - ii) an initial fauna and flora assessment;
  - iii) a land capability & geotechnical assessment with recommendations prepared by Landform Research consultants in October 2009 (included as an appendix to the document);
  - iv) a fire management plan; and
  - v) a proposed subdivision guide plan with all proposed lot sizes being larger than 1 hectare.
11. The proposed rezoning is considered an opportunity to allow for limited 'infill development' into existing special rural zoned and developed land.
12. The proposal is within an area identified for rural residential purposes and is consistent with the strategic direction of the City as documented in the ALPS. ALPS recommend increased densification and infill of developed areas.
13. Whilst the amendment is consistent with the strategic intent of the City, the proposal will involve the removal and/or disturbance of remnant vegetation to cater for new dwellings, fence lines, driveways and building protection zones. The amendment is also likely result in some impact on the amenity of the area.
14. The fire management plan (attachment 3 of the amendment document) highlights the extent of vegetation that will be affected by the proposal.



15. The amount of clearing involved will be reduced by increasing lot sizes above 1 hectare, placing building envelopes close to roads and through the sharing of building protection zones.
16. The loss of vegetation is unlikely to detrimentally affect visual amenity as per the consultant's visual assessment, however the proposal will nevertheless still have an impact on vegetation.
17. The special provisions and the guide plan include a requirement for all new dwellings to be constructed to the appropriate Australian Standard for dwellings in bushfire prone areas (AS3959 – 2009) as recommended in the fire management plan. The Bush Fire Attack Level (BAL) is identified as BAL 19 in the fire management plan.
18. At the conclusion of the advertising phase, seven written submissions were received. Of these submissions, one from the Department of Environment and Conservation and one from a nearby landowner are the most pertinent.

#### **GOVERNMENT CONSULTATION**

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

22. As per the recommendations of the EPA, Staff at the City and the proponents had discussions with the DEC Albany Office. The discussions explored possible changes to the subdivision guide plan to:
- Increase the fire protection standards required for new dwellings to BAL 29 or BAL 40 to allow for improved vegetation connectivity across current Lots 8 and 9; and
  - Modify the location of the indicative building envelope on proposed Sub-lot 10 (south east corner of Lot 7) to allow for the retention of an undisturbed vegetation linkage along the eastern boundary of the subject land between Austin Road and Reserve 43531.
23. The matters raised by DEC can satisfactorily be dealt with by requiring amendments to the subdivision guide plan and special provisions as discussed.

### **PUBLIC CONSULTATION / ENGAGEMENT**

24. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 10 November 2011 to 22 December 2011 by placement of sign on-site, direct referral to affected and adjoining/ nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
25. A total of two written submissions were received from members of the public as attached, the submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.
26. The matters raised by the land owner of 39 McBride Road revolve around the impact that the changes will have on the character/ amenity, and removal of vegetation etc of the special residential area. Although the concerns raised are generally valid, the impact is not considered that much more adverse especially viewed in the context of the broader area that includes the adjoining special residential area and the likely impact that this will have once developed.
27. The proponent provided comment on the submissions which have been included in the Schedule of submissions.

### **STATUTORY IMPLICATIONS**

28. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
29. Council's resolution under Regulation 25(i)(c) of the *Town Planning Regulations 1967* is required to amend the Scheme.
30. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
31. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
32. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

## **STRATEGIC IMPLICATIONS**

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

**Key Focus Area:**

Sustainability and Development

**Community Priority**

Single Town Planning Scheme

**Proposed Strategies**

- Provide greater flexibility in housing options so there is greater property diversity.
- Provide definitions of the type and location of future residential housing.
- Protect natural reserves.
- Develop strategies to retain prime agricultural land.

34. The Western Australian Planning Commission has prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy as detailed below:

*“Rural residential development should be consolidated in local planning strategies and located close to existing settlements rather than being randomly dispersed throughout rural areas.”*

35. The proposed rezoning will facilitate the densification of land adjacent to an existing settlement and is therefore considered to be in line with the LGSS recommendations. As the proposal results in the creation of 6 additional lots, the extent of infill is limited.

36. The subject area is located within an area shown for rural residential uses within the Albany Local Planning Strategy (ALPS) adopted by Council.

37. The proposal is in accordance with the strategic direction of the City as documented in the ALPS which promotes the densification and infill of developed areas, as detailed below:

*“ALPS recommends not supporting further subdivision of “greenfield” (undeveloped) rural land for rural residential development and that any subdivision of that type should be restricted to existing rural residential areas (infill development) and around townsites with suitable services.”*

*“8.3.5 Rural Living*

*The ALPS supports the infill development and subdivision of existing zoning and Council-initiated rezoning of Special Residential and Special Rural land in the City’s current Town Planning Schemes.”*

**RISK IDENTIFICATION & MITIGATION**

38. The risk identification and categorisation relies on the City’s Risk Management Framework

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>The proposal will result in some clearing of vegetation and the additional dwellings can affect the amenity of the existing dwellings.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>The impact on the amenity of the area can to some extent be mitigated through the use of existing regulations and procedures e.g. noise regulations and subdivision and development guidelines).</i>
<i>Increased fire risk and introducing more dwellings in to an area of risk.</i>	<i>possible</i>	<i>Major</i>	<i>High</i>	<i>This risk can be mitigated to some extent by individual land owners/subdividers implementing the recommendations of the fire management plan  This requirement forms part of the special provisions of the Town Planning Scheme.</i>

**FINANCIAL IMPLICATIONS**

39. The prescribed planning fee of \$3500 has been received and staffs have processed the application within existing budget lines.

**POLICY IMPLICATIONS**

40. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.

**SPP 1 – State Planning Framework**

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

42. The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and is therefore in line with SPP1.

**SPP 2 – Environment and Natural Resources Policy**

43. SPP2 refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.
44. The objectives of SPP 2 are:
- To integrate environment and natural resource management within broader land use planning and decision-making;
  - To protect, conserve and enhance the natural environment; and
  - To promote and assist in the wise and sustainable use and management of natural resources.
45. The proposal includes environmental information and a draft subdivision guide plan, however the extent to which the proposal conserves the natural environment is debatable. The amendment will be forwarded to the Environmental Protection Agency and the Department of Environment and Conservation for comment and advice, should the amendment be initiated.

**SPP 3 – Urban Growth and Settlement**

46. SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.
47. The key policy measures in SPP 3 that apply to this proposal are:
- Managing rural residential growth such that it is located and designed in a sustainable manner which integrates with an overall pattern of settlement and reduces any potential negative impacts such as conflict with traditional rural uses, ensures services can be provided economically and does not occupy areas suitable for urban developments.
48. The amendment proposal is consistent with the key policy measures identified in SPP 3. The subject area is located within an area shown for Rural Residential purposes within the draft Albany Local Planning Strategy (ALPS) adopted by Council. The proposal is therefore consistent with the objectives or outcomes of the strategy.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

49. Council has the following options in relation to this item, which are to:
- Seek final approval to the scheme amendment without modification;
  - Seek final approval to the scheme amendment with modifications; or
  - Not seek final approval to the scheme amendment.

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

**SUMMARY CONCLUSION**

51. This proposed Scheme Amendment seeking to amend Town Planning Scheme No. 3 by modifying the scheme provisions and the subdivision guide plan for "Special Rural Area Zone No. 5" is recommended for final adoption subject to modifications.
52. The amendment is supported on the basis that that the rezoning will facilitate the densification/ infill development of an existing "Special Rural" zone and therefore result in the more efficient use of land already developed. This densification is also considered consistent with the actions and objectives associated with the ALPS and the LGSS.

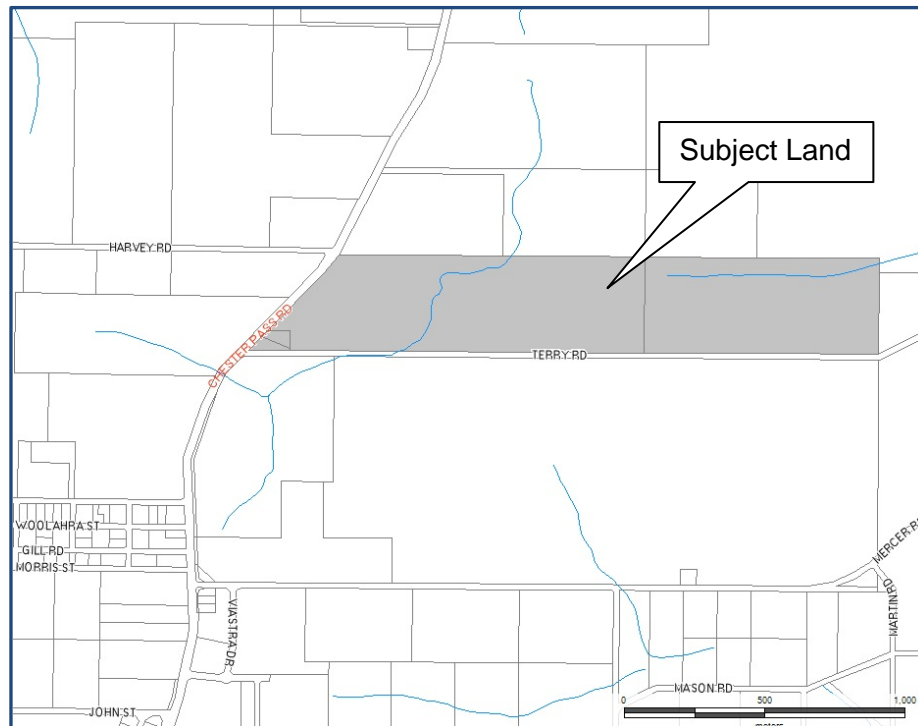
<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1; SPP2 and SPP 3 Lower Great Southern Strategy Albany Local Planning Strategy
<b>File Number (Name of Ward)</b>	AMD 293 (Vancouver Ward)
<b>Previous Reference</b>	OCM 18/03/08 Item 11.3.2 SAR 129 OCM 17/05/2011 Item 2.3



**2.4: FINAL OF AMENDMENT – LOTS 5498 AND 4925 TERRY ROAD AND LOTS 1 (308) AND 2 (314) CHESTER PASS ROAD, WALMSLEY**

- Land Description** : Lots 5498 and 4925 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley
- Proponent** : Ayton Baesjou Planning
- Owner/s** : Cammit Pty Ltd ATF The Giumelli Family Trust; G & S Davies; P List; L & W Spinks; G Grayson; and R & P Weir
- Business Entity Name** : N/A
- Attachment(s)** : Schedule of submissions  
: Copy of DPI advice from May 2007
- Councillor Workstation** : Copy of OCM 19/06/07 – Item 11.3.6 (SAR 116)  
: Copy of OCM 16/08/11 – Item 2.1  
: Amendment Document (AMD298)  
: Copy of submissions
- Responsible Officer(s)** : Acting Executive Director – Planning and Development Services (S Lenton)

**Maps and Diagrams:**



**IN BRIEF**

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed scheme amendment to rezone Lots 5498 and 4925 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to the 'Residential Development' zone.

**CEO:**

**RESPONSIBLE OFFICER:**

**ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **FINALLY ADOPTS WITH MODIFICATIONS** Amendment No. 298 to Town Planning Scheme No. 3 for the purposes of:
  - i) Rezoning Lots 4925 and 5498 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to 'Residential Development' zone; and
  - ii) Amending the Scheme Maps accordingly.
- 2) **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

**BACKGROUND**

1. Amendment 298 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lots 5498 and 4925 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to the 'Residential Development' zone.
2. A Scheme Amendment Request (SAR 116) for Lot 5498 Terry Road was considered at the Ordinary Council Meeting on 19 August 2007 and it was resolved:

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

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

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

3. The above matters were broadly addressed in the scheme amendment document as follows:
- A clearly defined zoning boundary was identified, including the two lots within the south-west corner of the subject land, as mentioned above.
  - A land capability and geotechnical report was appended to the amendment document to inform the opportunities and constraints plan.
  - A conceptual district structure plan was prepared in the form of an opportunities and constraints plan showing the land's connection to the existing urban front, including its relationship with Chester Pass Road.
  - The amendment document was identified that the land can be serviced with reticulated water and sewer, power and telecommunications.
  - A preliminary water management was included within land capability and geotechnical report.
  - A preliminary nutrient management plan was included within the land capability and geotechnical report.
  - The opportunities and constraints plan identified the need to protect the creek line through stock proof fencing, revegetation and reservation.
  - Vegetation was identified for retention on the opportunities and constraints plan.
4. Staff were satisfied with the level of information received for this stage of the planning process. At the detailed outline development plan stage, several studies would need to accompany the proposal inclusive of a traffic report, foreshore management plan and local water management strategy.
5. The amendment was considered for initiation at the Ordinary Council Meeting on 16 August 2011 and it was resolved:
- “THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 17(2) of the Town Planning Regulations 1967 resolves to INITIATE Amendment No. 298 to Town Planning Scheme No. 3 without modifications by:*
- i. *Rezoning Lots 1, 2, 4925 & 5498 Terry Road, Walmsley from the ‘Rural’ zone to ‘Residential Development’ zone.”*
6. Council is now required to consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed scheme amendment.

## DISCUSSION

7. The subject lots cover an area of approximately 71.1ha and lie to the east of Chester Pass Road, approximately 4.8km north of Albany town centre. The land is generally flat from Chester Pass Road eastward, until it reaches a drainage line running across Lot 5498 in a south-west to north-easterly direction, where it begins to slope upward to the east, before briefly levelling out and dropping gently back toward a drainage line along the northern edge of Lot 4925. Much of the land has been cleared for pasture, although some vegetation remains on Lots 1, 2 and along the boundaries of Lot 5498. Lot 5498 is also traversed by a shelter belt, roughly adjacent to the drainage line, and stands of parkland cleared vegetation are located in the south-eastern corner of Lot 5498 and close to the northern end of Lot 4925's eastern boundary. Two dams lie within the north-west quarter of Lot 5498, one large and one small, while smaller dams are also found at the eastern end of Lot 5498 and the western end of Lot 4925. Land uses are of a rural residential nature on Lots 1 and 2, each occupied by a dwelling and associated outbuildings, while Lots 5498 and 4925 are predominantly used for rural residential purposes, with some limited grazing activity. A dwelling and associated outbuildings stand close to the mid-point along the southern boundary of Lot 5498 and a dwelling and associated outbuildings also stand close to the southern boundary of Lot 4925, near its western end.
8. The surrounding land is primarily covered by the 'Rural' zoning, although Lot 10 Chester Pass Road, on the southern side of Terry Road is covered by the 'Service Industry' and 'Landscape Protection' zones, while Lot 4925 is bounded to the north by an area of 'Parks and Recreation' Reserve and to the east by a 'Public Purposes' Reserve.
9. The area has been identified as being suitable for 'Future Urban' development in the Albany Local Planning Strategy (ALPS) and given a Priority 3 designation on Map 9B. This has been largely influenced by the relatively flat topography and unconstrained nature of the land and its proximity to a major road. Priority 3 areas are described in the ALPS as follows:  
  
*"Priority 3 areas are logical extensions of the Priority 2 locations and/or existing urban areas and include parts of McKail, Gledhow, Warrenup, Walmsley and Big Grove. Priority 3 areas are expected to be rezoned with local structure planning undertaken in the near future. These areas are capable of producing lots within the medium-term."*
10. In addition to the designation of the land within the ALPS as 'Future Urban', the proposal also needs to be assessed against the specific strategic objectives and aims set out in Sections 8.3.1 and 8.3.2 of the ALPS text, which promote urban lot consolidation and staged incremental development.
11. The subject land is situated approximately 700m to the north of the existing urban front, which currently lies to the south of Mercer Road (St Ives Village and the Catalina Central development). The land to the south of the subject land, which includes a mixture of industrial and rural zoned land, is not part of the amendment proposal. Land to the west of the subject land between Henry Street and to the south of Harvey Road has previously been rezoned to 'Residential Development'.

12. The rezoning of the land to 'Residential Development' could be considered premature on the basis that the land is separated from the urban front, and does not include that land south of the subject land. It is also noted that there is continued expansion of Albany's suburbs in Bayonet Head, Yakamia, Little Grove, Big Grove, Lange and Gledhow which are expected to meet the majority of the demand for an increase of approximately 7,000 residents to the City within the next 10 years (based on current growth rates of 1.6% per annum). Beyond this timeframe it is expected that land to the north of Mercer Road, including the locality of Walmsley, will be required for residential expansion.
13. In 2007 when Council considered the Scheme Amendment Request proposal, the Department of Planning provided the following advice:
- "The site may be restricted in its use as residential land due to the close location to the existing rural and tourism activities, such as the strawberry farm and winery to the north that may need buffers from residential development due to spraying and other farm practices, and the current industrial zoning to the south. Detailed planning for the area may indicate the retention of these rural and tourism assets as the best option.*
- As such the proposal to have residential development in this area via the proposed Residential Development zone is very premature and should not be considered until much further down the line when that area including the strawberry farm and winery have fully comprehensive planning strategies developed for the area."*
14. The proposal would not play a significant role in meeting the short to medium term residential expansion requirements of the City, and if Council were not minded to support the amendment at this time, there would be no significant planning loss incurred.
15. The proposal seeks to rezone the land to 'Residential Development' and not 'Residential', which requires the preparation of a comprehensive Outline Development Plan before subdivision and or development can be considered. In this regard Clause 5.5 of Town Planning Scheme No. 3 requires an outline development plan to be undertaken over those areas contained within the Residential Development zone, *together with other areas determined by Council having regard to:*
- c) land holdings adjacent to or in the vicinity of the subject land.*
16. Any outline development plan for the subject land would need to include detailed planning over all of the land to the south, to tie in within the existing urban front and promote a coordinated approach to planning as advocated in the ALPS (the Department of Planning would also provide guidance on the land to be included in such a plan). This has been acknowledged in the amendment document.
17. In the interim period the land could continue to be utilised for its current use (grazing), with a zoning designation that reinforces and protects its future use for fully serviced urban development.

18. The opportunities and constraints plan contained in the amendment is consistent with Council's draft road hierarchy plan, as identified in the City's Local Planning Policy No. 1, being its Conceptual District Structure Plan, as the main north-south and east-west road connections have been identified. The land capability report has also identified that the land is capable of accommodating fully serviced residential development in the future.
19. Whilst the amendment may be considered premature given its distance from the urban front and the likelihood that residential growth within this area is unlikely to eventuate within the next 5 to 10 years, it does reinforce the future urban designation with the ALPS, providing adequate protection from inappropriate land uses in the intervening period which may compromise the future planning of the locality. The environmental investigations contained within the land capability report have identified that at this stage of the planning process the land can support fully serviced residential development into the future. As per Clause 5.5 of Town Planning Scheme No. 3, no development or subdivision can proceed unless a comprehensive Outline Development Plan is prepared, and in this case it would be essential that such a plan incorporate the land holding to the south to promote a coordinated outcome.
20. Although the proposal may be considered somewhat premature at this time, the requirement for an Outline Development Plan would preclude the subdivision and development of the subject lots in isolation. Final adoption is therefore recommended.

#### **GOVERNMENT CONSULTATION**

21. The Amendment was referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Agriculture and Food WA, Department of Water, Department of Environment and Conservation, Department of Education, Fire and Emergency Services Authority and Main Roads WA for assessment and comment. Responses were received from Telstra, Water Corporation, Western Power, Department of Agriculture and Food WA, Department of Water, Department of Environment and Conservation, Department of Education, Fire and Emergency Services Authority and Main Roads WA and are summarised in the attached Schedule of Submissions.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

22. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 15 December 2011 to 26 January 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in the local newspaper.
23. A total of eleven written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

### **STATUTORY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

25. Council's decision on the Scheme Amendment should be consistent with the objectives of the ALPS as the principal land use planning strategy for the City.

26. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

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

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

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

27. Section 8.3.2 – *Urban Lot Consolidation and Staged Incremental Development* sets the following Strategic Objective:

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

The draft ALPS states that *“the benefits of incrementally-staged urban development are that it will:*

- *Establish a more sustainable urban form by minimising the development footprint and better protecting the environment.*
- *Manage growth to make it continuous, minimising urban sprawl or creation of disjointed communities.*
- *Retain agricultural land for productive uses.*
- *Maximise the use of existing infrastructure, services and facilities.*
- *Minimise distances and travel time between homes and education, retail, community and recreation services.*
- *Retain the current high levels of accessibility to the Albany City Centre.*
- *Promote greater participation in public and alternate transport options.*

*The ALPS supports incrementally-staged urban expansion based on comprehensive precinct and structure planning. The progressive development of the Future Urban areas has been classified into five Development Priority stages. The extent to which Future Urban areas are developed within the lifetime of the ALPS will be determined largely by population growth, employment opportunities, availability of infrastructure to service growth and the ability of the development and housing industry to satisfy market demand.*

*Priority 3 areas are logical extensions of the Priority 2 locations and/or existing urban areas and include parts of McKail, Gledhow, Warrenup, Walmsley and Big Grove. Priority 3 areas are expected to be rezoned with local structure planning undertaken in the near future. These areas are capable of producing lots within the medium-term”.*

28. The rezoning proposal in itself does not promote sustainable consolidated settlement growth, as identified in Section 8.3.1 and 8.3.2 of the ALPS, however the subsequent Outline Development Plan prepared over the land and the surrounding locality would need to be prepared taking the above matters into account to ensure a coordinated development. The staging of the subdivision and how it relates and integrates with the urban front would need to be addressed in such a plan.
29. This item relates to the following elements from the City of Albany Strategic Plan (2011-2021):

**Key Focus Area:**

*Sustainability and Development*

**Community Priority**

*Single Town Planning Scheme*

**Proposed Strategies**

- *Provide greater flexibility in housing options so there is greater property diversity.*
- *Provide definitions of the type and location of future residential housing.*
- *Protect natural reserves.*
- *Develop strategies to retain prime agricultural land.*

**POLICY IMPLICATIONS**

30. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.
31. **SPP 1 – State Planning Framework**

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



To be consistent with SPP1, the future Outline Development Plan would specifically need to focus on:

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

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

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

To be consistent with SPP3, the future Outline Development Plan would specifically need to focus on:

- promoting the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes; and
- coordinating new development with the efficient, economic and timely provision of infrastructure and services.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
The proposal may generate land use conflict (through noise and spray drift) due to an existing strawberry farm immediately to the north of the subject land.	Possible	Medium	High	Provision of an appropriate vegetated buffer within any future local structure plan and placement of notifications on titles at the time of subdivision to advise prospective purchasers of the operations of the strawberry farm.
Support for the rezoning proposal may give a false impression that the land can be developed in isolation, rather than as a collective whole, for fully serviced residential development.	Likely	Medium	Medium	Amendment document to identify that a comprehensive Outline Development Plan, including land to the south of the subject land, would need to be prepared prior to any subdivision or development being considered on the site. Council has the power under Clause 5.5 of Town Planning Scheme No. 3 to determine the boundary to which an Outline Development Plan applies.

**FINANCIAL IMPLICATIONS**

34. The prescribed planning fee of \$3500 has been received and staff have processed the application within existing budget lines.
35. Should Council support the Scheme Amendment, the property owners would be responsible for lodging an application for subdivision and extending services to the subject land at their own cost. The City of Albany will be liable for contributions to the upgrade and expansion of the local road and stormwater drainage networks, and the provision of services, such as the ongoing maintenance of public open space and collection of household refuse.

### **LEGAL IMPLICATIONS**

36. Section 75 of the *Planning Development Act 2005* allows Council to pass a resolution to amend its Town Planning Scheme.
37. Regulation 17(2)(a) of the *Town Planning Regulations 1967* allows Council to pass a resolution that the Scheme be adopted with or without modification.

### **ALTERNATE OPTIONS**

38. Council has the following options in relation to this item, which are:
- To adopt the Scheme Amendment without modifications;
  - To adopt the Scheme Amendment with modifications as per staff's recommendation; or
  - To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.
39. If Council believes the amendment is premature, the following alternate motion could be put by a Council member:

THAT Council:

- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2)* of the *Town Planning Regulations 1967* resolves NOT TO ADOPT Amendment No. 298 to Town Planning Scheme No. 3 for the purposes of:
  - i. Rezoning Lots 4925 and 5498 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to 'Residential Development' zone; and
  - ii. Amending the Scheme Maps accordingly.
- 2) ADVISES the Western Australian Planning Commission that it does not wish to finally adopt the amendment primarily on the basis that the proposed amendment is premature given the considerable distance of the land from the existing urban front and that there is an abundance of other land already identified to meet the short to medium residential expansion needs of the City.

### **SUMMARY CONCLUSION**

40. The subject land is identified on Map 9B of the ALPS for 'Future Urban' development. The amendment seeks to rezone the land to the 'Residential Development' zone, which requires the preparation of an Outline Development Plan to the satisfaction of Council and the Western Australian Planning Commission before any subdivision or development can take place. Council has full control as to the boundaries of such a plan, which would need to include land to the south to Mercer Road, ensuring the development of the land is part of a larger coordinated precinct.

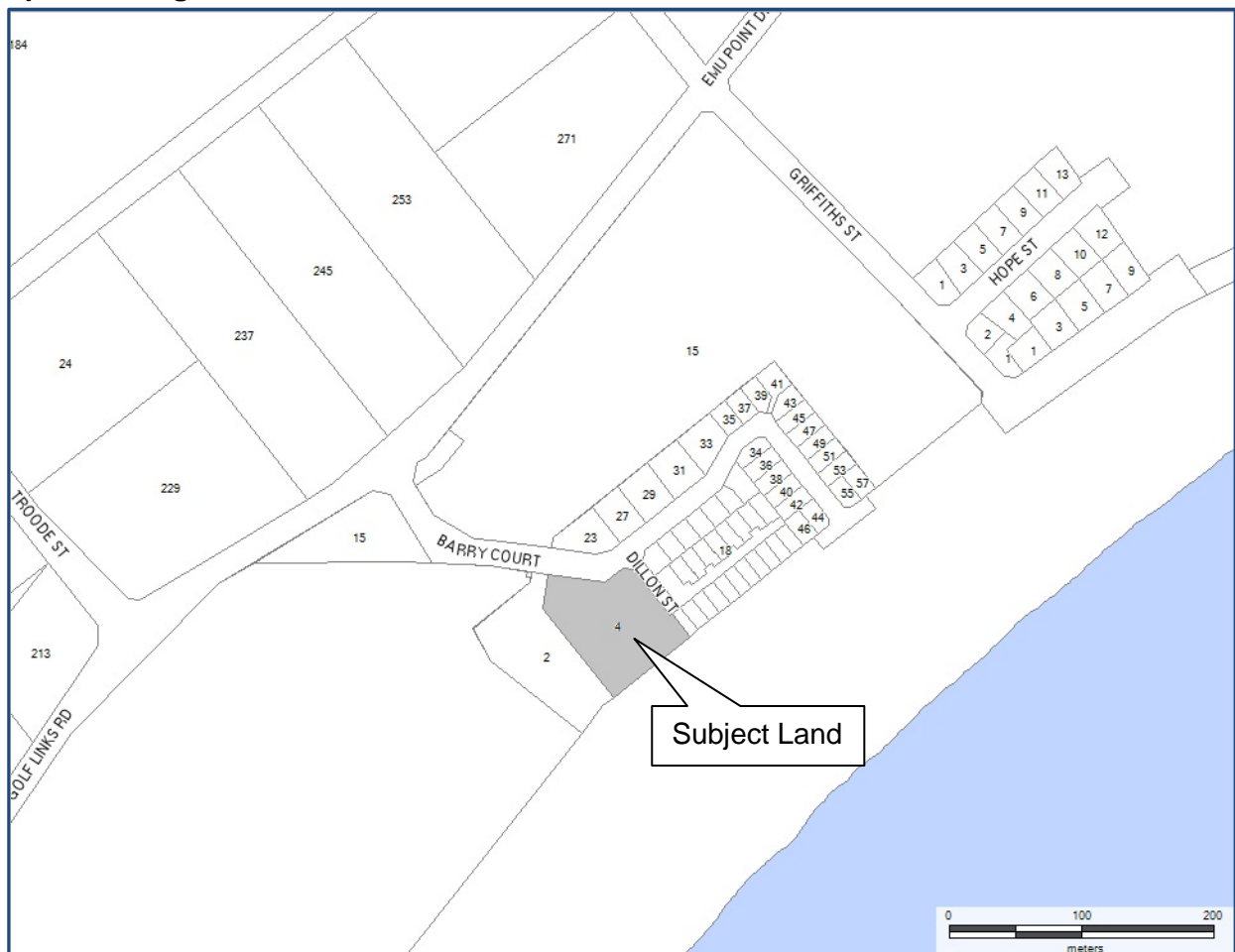
41. Although the proposal may be considered somewhat premature at this time, the requirement for an Outline Development Plan would preclude the subdivision and development of the subject lots in isolation. Final adoption is therefore recommended.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	AMD298 (Yakamia Ward)
<b>Previous References</b>	OCM 19/06/07 – Item 11.3.6 (SAR 116)

**2.5: LOCAL PLANNING SCHEME POLICY – LOT 150 BARRY COURT,  
COLLINGWOOD PARK**

<b>Land Description</b>	: Lot 150 Barry Court, Collingwood Park
<b>Proponent</b>	: Harley Global
<b>Owner/s</b>	: Walker Paddon Real Estate Pty Ltd
<b>Business Entity Name</b>	: Walker Paddon Real Estate Pty Ltd
<b>Attachment(s)</b>	: Local Planning Policy – Lot 150 Barry Court, Collingwood Park
<b>Councillor Workstation</b>	: Copy of WAPC subdivision approval no. 141114 : Copy of proponent's submission
<b>Responsible Officer(s)</b>	: Acting Executive Director – Planning and Development Services (S Lenton)

**Maps and Diagrams:**



**CEO:**

**RESPONSIBLE OFFICER:**

**IN BRIEF**

- Consider whether to adopt the draft Local Planning Scheme policy for Lot 150 Barry Court, Collingwood Park for the purpose of public advertising.

**ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council adopts the draft Local Planning Scheme policy for Lot 150 Barry Court, Collingwood Park, for the purpose of public advertising, subject to the following modification:**

- i) Revision of the Development Plans to illustrate materials consistent with Section A2.6 *Materials and Colours* of the draft Local Planning Scheme policy.**

**BACKGROUND**

1. The Local Planning Scheme policy has been prepared in response to WAPC subdivision approval no. 141114, condition no. 13 which requires that:

*“Prior to the commencement of any subdivisional works, Design Guidelines being prepared for the subject land in consultation with and approved by the City of Albany, and the satisfaction of the Western Australian Planning Commission. The Design Guidelines are to include principles of development which address:*

- i) The location and description of short stay tourist accommodation units and grouped dwellings;*
- ii) A unified design theme for development;*
- iii) The visual and acoustic privacy, and solar access of dwellings through external and internal building design; and site design and landscaping;*
- iv) Streetscape appearance;*
- v) The required minimum density and titling of short stay tourist accommodation;*
- vi) The common management of all units for short stay tourist accommodation being provided by a common facility manager;*
- vii) Should common facilities such as reception, manager’s residence, restaurant, or pool be provided, these are to be constructed in the first stage should the short stay accommodation units be constructed in stages;*
- viii) Any short stay units with more than two (2) bedrooms being dual keyed and allowing units to be separately let out to guests;*

- ix) *All common facilities such as reception, manager’s residence, restaurant, or pool being constructed in the first stage should the short stay accommodation units be constructed in stages; and*
- x) *The need for a programme for the construction and completion of the short stay tourist accommodation units and other buildings to be developed on Lot B, to be agreed with the City of Albany, including, in the event that the development involves the further subdivision of Lot B into survey strata lots, provision for the building/s on any proposed survey strata lot to be constructed to plate height prior to the issue or transfer of title for that lot. (Local Government).”*
2. The proponent has stated in their submission that the draft local planning policy addresses the following aspects of condition no. 13:
- *“The location and description of short-stay accommodation and grouped dwellings;*
  - *A unified design theme for the development;*
  - *Visual and acoustic privacy and solar access;*
  - *Streetscape appearance.”*
- However, they have also stated that they do not believe it appropriate for the items listed in condition no. 13 v) – x) to be included in the draft policy for the following reasons:
- *“The density of the proposed development is indicated within the Development Plans. Density of Grouped Dwellings will be as per the ‘R30’ density code of the R-Codes;*
  - *With regards to the common management of tourist accommodation, this will be established by the Strata Management Agreement. We do not think this is an appropriate issue to be included within the Design Guidelines;*
  - *As indicated on the Development Plans, no such common facilities as listed in sub-condition vii) will be included in the proposed development. As such, we do not think that these should be included within the Design Guidelines;*
  - *Proposed short-stay accommodation has been designed to accommodate a dual-key facility; and*
  - *This lot has the potential to be developed for either a survey strata or built strata development, in accordance with the Development Plans. Should it be required, there is sufficient provision for the Western Australian Planning Commission to impose a condition at the time of survey strata subdivision requiring the construction of dwellings to plate height, as outlined in WAPC Development Control Policy 2.3 – Residential Subdivision.”*
3. Staff are supportive of this position and consider that the draft policy should be progressed on this basis.
4. Council is now required to consider the draft Local Planning Scheme Policy and determine whether to adopt the policy for the purpose of public advertising.

**DISCUSSION**

5. The subject lot covers an area of 6108m<sup>2</sup> on the south side of Barry Court, approximately 4.2km north-east of Albany town centre. The land is relatively flat and has recently been cleared following subdivision approval.
6. The surrounding land is primarily covered by the 'Tourist Residential' zoning, although Reserve 14789, adjacent to the south-eastern boundary of the subject lot, is designated for 'Parks and Recreation'.
7. The Albany Golf Club clubhouse and putting practice greens lie to the south-west of the subject lot and the coastal foreshore reserve to the south-east. The subject lot is bounded on its northern and north-eastern edges by Barry Court and Dillon Close. There are a mixture of private and tourist residential dwellings and a small number of undeveloped lots on the opposite sides of these streets.
8. The design guidelines and development plans contained with the draft policy are considered appropriate and are broadly consistent with the built form of the locality. However, it is recommended that the Development Plans contained within the draft policy are modified prior to advertising to illustrate materials consistent with Section A2.6 *Materials and Colours* of the policy's written statement.
9. Subject to the above modification, staff would recommend that Council adopt the draft Local Planning Scheme Policy for the purpose of public advertising.

**GOVERNMENT CONSULTATION**

10. Consultation with State Government agencies will not be necessary as part of the advertising process for this draft Local Planning Policy.

**PUBLIC CONSULTATION / ENGAGEMENT**

11. Should Council resolve to adopt the draft Local Planning Policy for the purpose of public advertising, it will be advertised in accordance with Clause 7.21.2(a) of Town Planning Scheme (TPS) No. 1A (see paragraph 13 below).

**STATUTORY IMPLICATIONS**

12. The subject lot is zoned 'Tourist Residential' and has a density coding of R20.



13. Clause 7.21 of TPS No. 1A sets out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.

*“7.21 POWER TO MAKE POLICIES*

- 7.21.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
- 7.21.2 A Town Planning Scheme policy shall become operative only after the following procedures have been completed:*
- (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
  - (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
  - (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*
- 7.21.3 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.*
- 7.21.4 A Town Planning Scheme policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”*

**STRATEGIC IMPLICATIONS**

14. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.

15. Section 5.4 – *Tourism* sets the following Planning Principle:

*“Albany will remain the premier tourism destination on the South Coast and will provide a complete tourism experience”.*

This is expanded upon by Section 5.4.2 – *Accommodation*, which sets the following Planning Objective:

*“Promote the development of sustainable tourist accommodation.”*

16. Section 8.3.3 – *Urban Infill* sets the following Strategic Objective:

*“Support urban infill development based on compatibility of land uses and infrastructure capacity”.*

17. The proposal is considered to be consistent with these principles and objectives.

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

**Key Focus Area:**

*Sustainability and Development*

**Community Priority**

*Tourism Development*

**Proposed Strategies**

- *Improve and expand tourism infrastructure.*

**Community Priority**

*Single Town Planning Scheme*

**Proposed Strategies**

- *Provide greater flexibility in housing options so there is greater property diversity.*
- *Establish streetscape development guidelines for private development projects.*
- *Provide flexibility for development in key tourism areas.*

**POLICY IMPLICATIONS**

19. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the proposal.

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

The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to

sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

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

It is considered that the proposal:

- adopts a risk-management approach which aims to avoid or minimise environmental degradation and hazards;
- prevents environmental problems which might arise as a result of siting incompatible land uses close together;
- provides housing choice and diversity to suit the needs of different households;
- encourages safe environments, high standards of urban design and a sense of neighbourhood and community identity;
- provides sites for tourism accommodation taking account of their special location and servicing needs;
- will ensure that decisions are made in accordance with plans and policies, and decisions are made expeditiously; and
- facilitates the efficient use of existing urban infrastructure and human services and prevents development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services.

#### 21. **SPP 3 – Urban Growth and Settlement**

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

It is considered that the proposal will:

- build on an existing community with established local and regional economies and enhance the quality of life in that community;
- manage the growth and development of the area in recognition of relevant climatic, environmental and community values and constraints; and
- promote the development of a sustainable and liveable neighbourhood form, while providing choice of housing and creating an identifiable sense of place for the community.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Not adopting the draft Local Planning Scheme policy will prevent the development of the land, as it will not be possible to clear WAPC subdivision approval no. 141114.	Possible	Medium	Medium	Mitigation is entirely dependent on Council's decision.

**FINANCIAL IMPLICATIONS**

23. No planning fee was required for this item and staff have processed the application within existing budget lines.

**LEGAL IMPLICATIONS**

24. A draft Local Planning Scheme policy can be prepared by either a planning consultant or City of Albany staff and adopted by Council in accordance with Clause 7.21 of TPS No. 1A (see paragraph 13 above). It should be noted that Clause 7.21 does not provide a right of appeal, should Council decide not to adopt the draft policy.

**ALTERNATE OPTIONS**

25. Council has the following options:

- Adopt the draft Local Planning Scheme policy for the purpose of public advertising, without modification;
- Adopt the draft Local Planning Scheme policy for the purpose of public advertising, subject to modification; or
- Not adopt the draft Local Planning Scheme policy for the purpose of public advertising.

**SUMMARY CONCLUSION**

26. The adoption of the draft Local Planning Scheme policy will be necessary in order to clear WAPC subdivision approval no. 141114 and allow the development of the land to take place.

27. The draft policy is consistent with the objectives of the ALPS and SPP's 1 and 3. It is therefore considered appropriate that Council adopts the draft Local Planning Scheme policy for the purpose of public advertising.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	DAP007 (Breaksea Ward)

**2.6: REGIONAL DEVELOPMENT ASSISTANCE PROGRAM  
APPLICATION FOR MANYPEAKS TOWNSITE**

**Land Description** : N/A  
**Proponent** : City of Albany  
**Owner** : N/A  
**Business Entity Name** : N/A  
**Attachment** : Nil  
**Councillor Workstation** : RDAP Application  
**Responsible Officer(s)** : Acting Executive Director Planning and Development Services (S Lenton)

**IN BRIEF**

- The City is preparing an application for funding under the Regional Development Assistance Program to undertake feasibility and structure planning for the expansion of the Manypeaks townsite.
- As part of the application, the Council is required to provide a Council resolution supporting the application.

**ITEM 2.6: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council SUPPORT the application under the Regional Development Assistance Program for funding to undertake feasibility and structure planning for the expansion of the Manypeaks townsite as recommended in the Lower Great Southern Strategy and Albany Local Planning Strategy.**

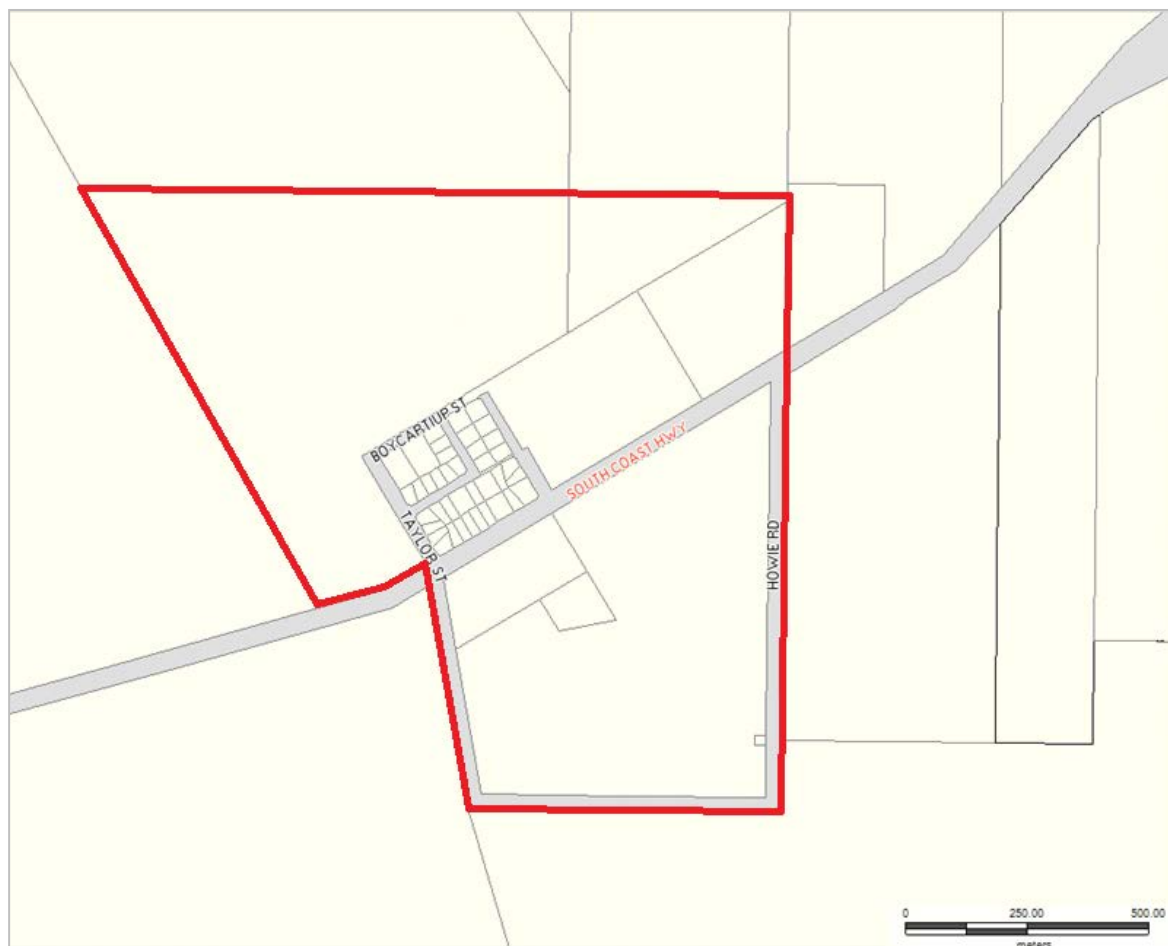
**BACKGROUND**

1. The Manypeaks Community and Recreation Association were 7 years ago (in 2005) advised that it was reluctant to progress an application for State Government funding for the expansion of Manypeaks because it was unlikely to be successful and would continue to monitor the situation in light of any decisions taken by Grange Resources on the development of the Southdown mineral resource. Since that time, the Association has continued to monitor and lobby for the expansion of the townsite.
2. The City has previously prepared applications for State Government funding for the expansion of the Wellstead townsite and creation of additional lots at Cheynes Beach in 2001.
3. The release of land (7 years on) and townsite expansion at Manypeaks would be advantageous because it will assist the City deliver on the outcomes of the Albany Local Planning Strategy to consolidate and develop the existing rural townsites within the City.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
-------------	-----------------------------

**DISCUSSION**

4. The City has now prepared an application for funding through LandCorp under the State Government's Regional Development Assistance Program for the funding of feasibility and structure planning to enable the modest expansion of the Manypeaks townsite.
5. The application has been prepared in conjunction with the Manypeaks Community and Recreation Association who have provided assistance to staff and provided a formal letter of support for the proposal.
6. The application has also been supported by the Department of Regional Development and Lands and Great Southern Development Commission who have provided letters of support for the proposal.
7. The area at Manypeaks to be subject to the feasibility and structure planning proposal is shown in the image below. This area is taken from the area recommended in the City's adopted Albany Local Planning Strategy (Figure 17):



**AREA AT MANYPEAKS TO BE INVESTIGATED**

8. As part of the application, the Council is required to provide a resolution supporting the application, which is the purpose for this report to Council.

## **GOVERNMENT CONSULTATION**

9. Staff have consulted with the relevant government agencies including the Great Southern Development Commission and Department of Regional Development and Lands regarding the application. No objections were raised to the application.

## **PUBLIC CONSULTATION / ENGAGEMENT**

10. Staff have consulted with the Manypeaks Community and Recreation Association at this stage. Should the proposal proceed to be funded, consultation with the wider Manypeaks community will be undertaken through the feasibility and structure planning processes.

## **STATUTORY IMPLICATIONS**

11. The preparation of Regional Development Assistance Program applications is undertaken in accordance with the LandCorp Guidelines. Any grant funding received is required to be used in accordance with the Grant Agreement.

## **STRATEGIC IMPLICATIONS**

12. This item directly relates to the following elements of the adopted City of Albany Strategic Plan (2011-2021)

### ***Key Focus Area***

Sustainability and Development

### ***Community Priority***

A sustainable future

### ***Proposed Strategies***

- Establish satellite township hubs in areas such as Young's Siding, Redmond, Manypeaks and Wellstead to provide services (*basic shopping necessities and recreational areas*).

### ***Key Focus Area***

Community Focussed Organisation

### ***Community Priority***

Support for community groups

### ***Proposed Strategies***

- Provide financial assistance grants to community organisations to assist and promote community projects and activities.
- Support community groups by identifying funding opportunities.

13. The preparation of this application assists the City to deliver on its strategic plan for Albany.



14. The Albany Local Planning Strategy deals with the development of existing Rural Townsites (Part 8.3.6) within the City and includes the following actions:

ACTIONS
Provide for the development of existing rural townsites within the City in accordance with Table 5. New development needs to minimise the impact on existing agricultural land, the landscape, fire risk, costs of providing and maintaining infrastructure, supply and demand and size of lots, availability of existing zoned land and extent of development <b>(CoA)</b> .
Kalgan, Manypeaks and Elleker are to be the first-priority townsites for limited Rural Living development in accordance with Table 5 and using the above criteria. This is in addition to Wellstead, which already has an existing townsite strategy to guide growth <b>(CoA)</b> .

ACTIONS
Include the rural townsites of Wellstead, Redmond, Manypeaks, Youngs Siding, Elleker, Torbay, Torbay Hill, Kalgan, South Stirling and Cheynes Beach as Rural Townsite zones in the LPS1 and facilitate the completion of structure plans for each <b>(CoA)</b> .

**POLICY IMPLICATIONS**

15. There are no City policies affecting this report or recommendation.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>City does not support application for or Regional Development Assistance Program funding application not successful</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Mitigation entirely dependent on Council's and LandCorp's decision on funding application.</i>

**FINANCIAL IMPLICATIONS**

17. The costs associated with preparing the Regional Development Assistance Program application has been undertaken by the Planning & Development Services Directorate using existing staff resources within existing budget lines.
18. Should funding under the Regional Development Assistance Program application be successful, all costs associated with completing the feasibility and structure planning processes etc would be undertaken by the Planning & Development Services Directorate using existing staff resources within existing budget lines.

**LEGAL IMPLICATIONS**

- 19. There are no legal implications affecting this report or recommendation.
- 20. There are no rights of appeal available to applicants under the Regional Development Assistance Program. Should this application be unsuccessful, the City is able to apply again in the future.

**ALTERNATE OPTIONS**

- 21. The Council has the following options in relation to the Regional Development Assistance Program application:
  - Option A  
*To support the application, as is, or undertake modifications; or*
  - Option B  
*To not support the application; or*

**SUMMARY CONCLUSION**

- 22. An application under the Regional Development Assistance Program for funding to undertake feasibility and structure planning for the expansion of the Manypeaks townsite. Expansion at this time is recommended because it will assist the City deliver on the outcomes of the Albany Local Planning Strategy to consolidate and develop the existing rural townsites within the City.

<b>Consulted References</b>	<i>RDAP Submission Information Guide</i>
<b>File Number (Name of Ward)</b>	GS.APC.11 (Kalgan Ward)
<b>Previous Reference</b>	OCM 18/09/01 Item 11.3.1 & 11.3.2 OCM 16/08/05 Item 11.1.1

**2.7: PLANNING AND SERVICES REPORTS FEBRUARY 2012**

**Responsible Officer** : Acting Executive Director Planning and  
Development Services (S Lenton)  
**Attachment** : Planning and Services Reports February 2012

**IN BRIEF**

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

**ITEM 2.7: RESPONSIBLE OFFICER RECOMMENDATION**

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

NOTE: Planning and Building Reports will be available prior to the Ordinary Meeting of Council.

**CEO:**

**RESPONSIBLE OFFICER:**

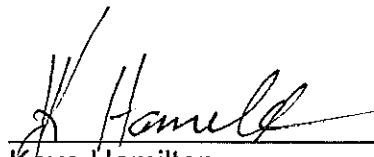
**CITY OF ALBANY**

**REPORT**

To : His Worship the Mayor and Councillors  
From : Administration Officer - Development  
Subject : Building Activity – February 2012  
Date : 1 March 2012

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1. In February 2012, sixty-three (63) building licences were issued for building activity worth \$6,369,956. This includes three (3) demolition licences and one (1) sign licence.
2. The two (2) attached graphs compare the current City activity with the past three (3) fiscal years. One compares the value of activity, while the other compares the number of dwelling units.
3. A breakdown of building activity into various categories is provided in the Building Construction Statistics form.
4. Attached are the details of the licences issued for February 2012, the eighth month of activity in the City of Albany for the financial year 2011-2012 .

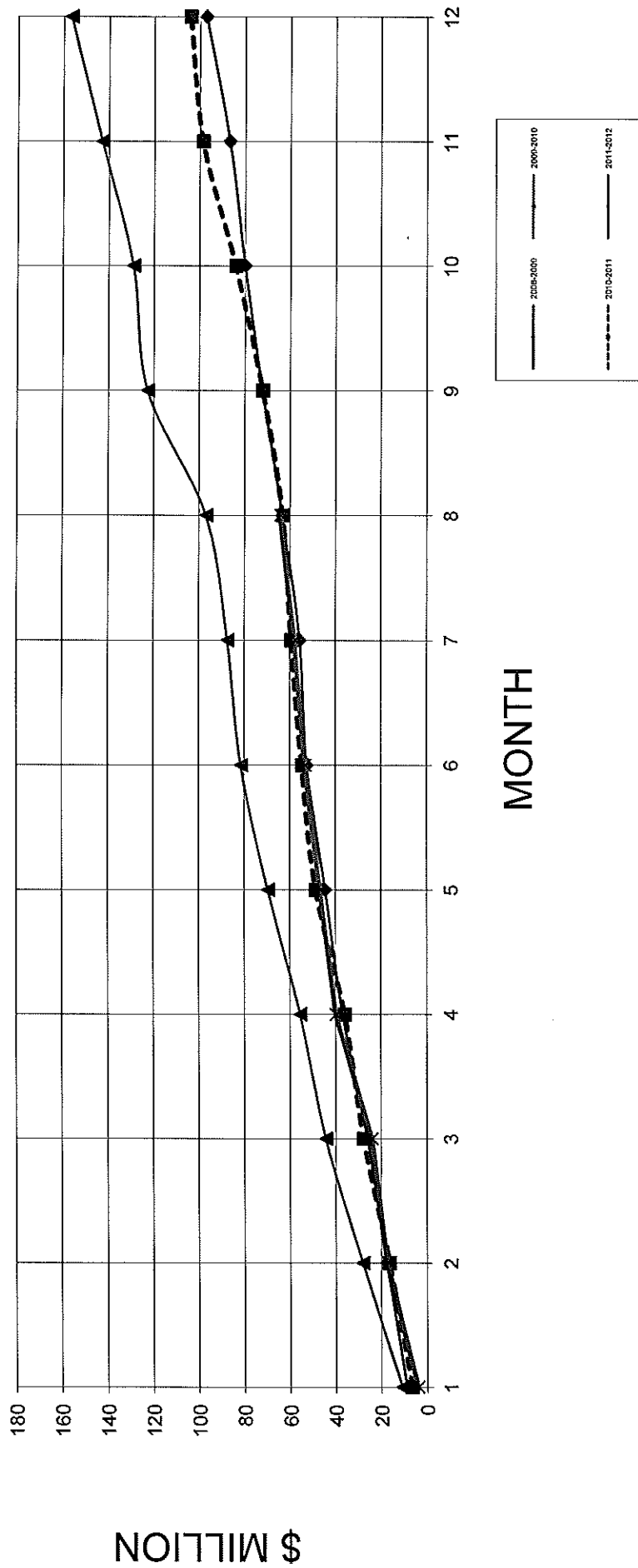
  
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Kaye Hamilton  
Administration Officer – Development

CITY OF ALBANY

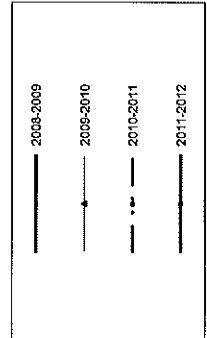
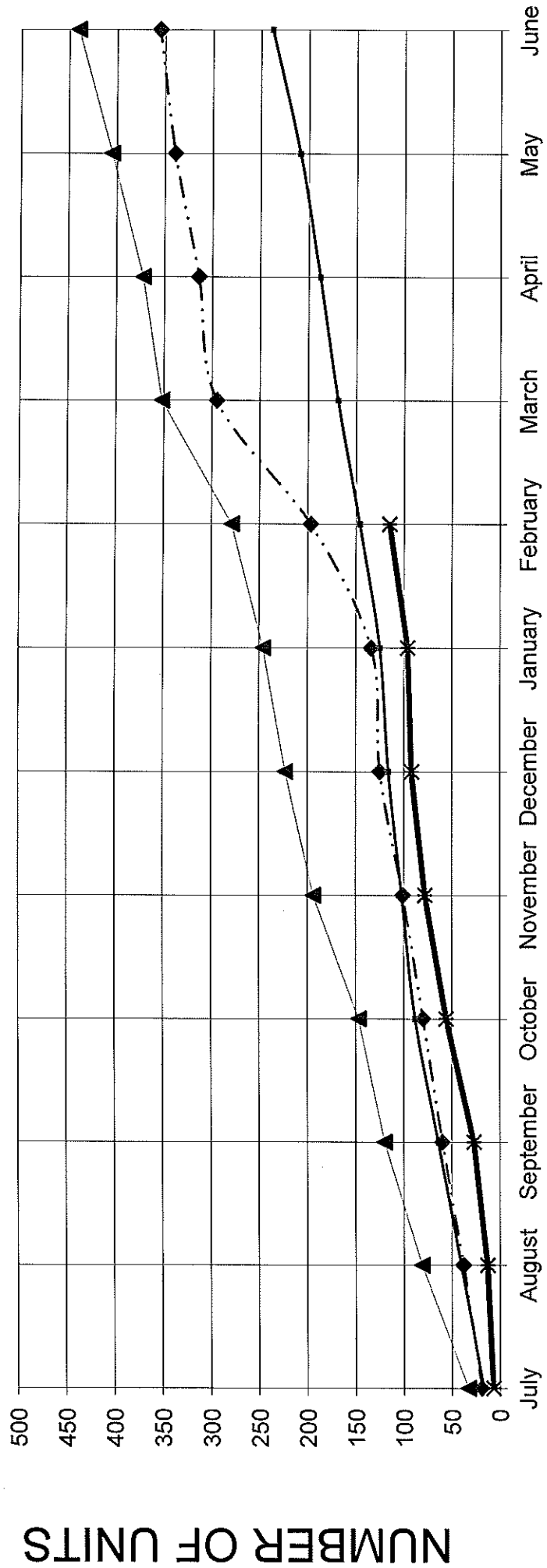
BUILDING CONSTRUCTION STATISTICS FOR 2011 - 2012

2010/2011	SINGLE DWELLING		GROUP DWELLING		DOMESTIC/ OUTBUILDINGS		ADDITIONS/ DWELLINGS		HOTEL/ MOTEL		NEW COMMERCIAL		ADDITIONS/ COMMERCIAL		OTHER		TOTAL \$ VALUE
	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	
JULY	7	2,030,335			7	253,722	22	547,734			1	30,000	3	953,927	5	35,000	3,850,718
AUGUST	13	3,921,741			13	123,878	8	71,080	1	420,000			7	8,839,775	3	23,800	13,400,274
SEPTEMBER	13	3,430,898	1	775,000	14	236,818	21	508,779					5	921,642	11	784,400	6,657,537
OCTOBER	18	4,021,693	11	1,122,000	29	166,187	26	335,425			1	9,500,000	3	525,000	6	64,100	15,734,405
NOVEMBER	12	2,964,229	10	1,600,000	22	338,943	20	651,957					8	1,251,332	6	157,000	6,963,461
DECEMBER	14	3,948,628			14	437,720	22	618,341			16	1,371,698	1	100,000	9	157,540	6,633,927
2011																	
JANUARY	4	1,048,284				361,591	24	851,381			2	454,860	3	1509750	5	145,000	4,370,866
FEBRUARY	16	4,400,121	3	1,020,430	19	285,033	20	390,902			2	237,670			7	35,800	6,369,956
MARCH																	0
APRIL																	0
MAY																	0
JUNE																	0
TOTALS TO DATE	97	25,765,929	25	4,517,430	122	2,203,892	163	3,975,599	1	420,000	22	11,594,228	30	14,101,426	52	1,402,640	63,981,144

BUILDING ACTIVITY  
\$M Value



# DWELLING UNITS



## MONTH

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

Applications determined for February 2012

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301801	D & A HOLLAND	BUNBURY DIOCESAN TRUSTEES	GROUP DWELLING X 2	11	Location Alb	CLIFF STREET	ALBANY
301981	OWNER BUILDER	M J & S J O'DOHERTY	PATIO	30	Town Lot 106	FESTING STREET	ALBANY
302042	CAMERON CHARLES BROWN	P & D WARREN	DEMOLITION OF DWELLING	31	Lot 10	EARL STREET	ALBANY
302051	OWNER BUILDER	R & E IFFLA	DEMOLITION OF DWELLING	29	Location	HILL STREET	ALBANY
301982	J & TW DEKKER PTY LTD	Owner's Name and address not shown at their request	ALTERATIONS AND ADDITIONS	23	AT 448 Lot 6	JEEEDA CLOSE	BAYONET HEAD
301985	DAVE BRENZI	M D GIUNTOLI	RETAINING WALL	94	Location 280	BAYONET HEAD ROAD	BAYONET HEAD
302028	JOHN FOLEY	F A & E M LOVE	SHED		Location 371	BATTLE ROAD	BAYONET HEAD
302035	OUTDOOR WORLD	C GUNBY	PATIO	89	Location 284	ALLWOOD PARADE	BAYONET HEAD
302021	ECOFIT HOMES	ALBANY LIFESTYLE VILLAGE PARK HOME - Site 26		20	Lot 930	ALISON PARADE	BAYONET HEAD
301986	WA COUNTRY BUILDERS PTY LTD	Owner's Name and address not shown at their request	DWELLING GARAGE	65	Location 3470	YATANA ROAD	BAYONET HEAD
302057	WA COUNTRY BUILDERS PTY LTD	Owner's Name and address not shown at their request	ALFRESCO & RETAINING WALL	5	Location 284	CORINE WAY	BAYONET HEAD
302055	OWNER BUILDER	J H & M M BERNHARDT	ALFRESCO SHED & RETAINING WALL	26	Lot 34	ELIZABETH STREET	BAYONET HEAD
302061	RYDE BUILDING COMPANY PTY LTD	Owner's Name and address not shown at their request	DWELLING GARAGE AND ALFRESCO	35	Location 4790	GRENFELL DRIVE	BAYONET HEAD
302068	KOSTERS STEEL CONSTRUCTION PTY LTD	A G & R C LOLLEY	PATIO	44	Location 4790	WATERS ROAD	BAYONET HEAD
302015	METROOF ALBANY	Owner's Name and address not shown at their request	CARPORT - SITE 13A	7	Lot 18	PANORAMA ROAD	BIG GROVE
302017	OWNER BUILDER	M T GRAY & M J ADAMS	SIDE BOUNDARY FENCE	248B	Location ASL 02 Lot 1	ALBANY HIGHWAY	CENTENNIAL PARK



Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
302027	OWNER BUILDER	M T GRAY & M J ADAMS	SIDE BOUNDARY FENCE	248A	Location ASL	ALBANY HIGHWAY	CENTENNIAL
302016	GS & LA IRONMONGER	Owner's Name and address	RETAINING WALL	2	02 Lot 4 Location	VINE STREET	PARK CENTENNIAL
302020	CAMERON CHARLES BROWN	<i>not shown at their request</i> HAWKINGS FAMILY TRUST	PART DEMOLITION OF	137	ASL129 Lot 11 Lot 2	LOCKYER AVENUE	PARK CENTENNIAL
302025	OUTDOOR WORLD	PTY LTD D ANDERSON	COMMERCIAL BUILDING PATIO	12	Location SL22	BARKER ROAD	PARK CENTENNIAL
302031	OWNER BUILDER	N C WHITE	PATIO	4	Lot 31 Lot 14	ARDROSS	PARK COLLINGWOOD
301843	La Rosa Constructions WA Pty Ltd	CITY OF ALBANY & REDWOOD CORPORATE	RECREATION ROOM	41-51	Location RES 22698 AT995	CRESCENT MERMAID AVENUE	PARK EMU POINT
301967	ALBANY SHED BUILDERS	PTY L D W HINE & C A HINE	WAREHOUSE	978	AT988 Location 1516	CHESTER PASS ROAD	KING RIVER
301973	OWNER BUILDER	M A HEWSON	ALTERATIONS AND	10	Lot 150 Location TAA	TANIA ROAD	KRONKUP
301965	ANTHONY & JENNIFER STEELE	A M STEELE	ADDITIONS ANCILLARY	555	36 Lot 10 Location 24	FRENCHMAN BAY ROAD	LITTLE GROVE
302006	SCOTT PARK HOMES GREAT	Owner's Name and address	ACCOMMODATIONS DWELLING GARAGE AND	16	Lot 25 Lot 408	GIFFORD STREET	LOCKYER
301917	SOUTHERN PTY LTD CRL WILMOT	<i>not shown at their request</i> Owner's Name and address	ALFRESCO PATIO & DECK	3	Location 50 Lot 50	SHELL BAY ROAD	LOWER KING
301980	SCOTT PARK HOMES GREAT	<i>not shown at their request</i> L R & L EVANS	DWELLING GARAGE &	17	Lot 353	NEPTUNE PASS	MCKAIL
301945	SOUTHERN PTY LTD GREAT SOUTHERN	J M & K L CRANNAGE	ALFRESCO RETAINING WALL	62	Location 492 Location 198	CENTAURUS TERRACE	MCKAIL
302014	OWNER BUILDER	K J & V A BENNETT	DWELLING AND GARAGE	19	Location 381 Lot 668	GERDES WAY	MCKAIL
302036	RYDE BUILDING COMPANY PTY LTD	Owner's Name and address	SINGLE DWELLING	3	Location 381	MCGONNELL ROAD	MCKAIL
302038	JOSH BUTTON	<i>not shown at their request</i> JS BUTTON	SHED	5	Lot 202 Location 381 Lot 768	CORDERY WAY	MCKAIL

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
302032	RYDE BUILDING COMPANY PTY LTD	Owner's Name and address	SINGLE DWELLING	51	Lot 343	SATELLITE CLOSE	MCKAIL
302033	OWNER BUILDER	<i>not shown at their request</i> CS BERGER & MJ BERGER	PATIO	26	Location 492	DORADO BEND	MCKAIL
302058	WA COUNTRY BUILDERS PTY LTD	Owner's Name and address	DWELLING	577	Lot 278 Location 386	ALBANY HIGHWAY	MCKAIL
302065	OWNER BUILDER	<i>not shown at their request</i> T R & N A WILKINSON	SHED	18	Lot 7 Location 492	MOON PARADE	MCKAIL
301998	JAR & DA DOCKING	N R & V D SHEARER	SPA	40	Lot 177 Location Sub A Lot 81	WYLIE CRESCENT	MIDDLETON BEACH
301996	RH ESKETT	C E O'DONNELL	SHED	22	Location	WARREN ROAD	MILLBROOK
302026	OWNER BUILDER	KJ JACKSON	SHED	17	208/510 Lot Location 135	COOGEE STREET	MILPARA
302034	KOSTERS STEEL CONSTRUCTION PTY LTD	LD & SA BARSBY	PATIO	45	Lot 3 Location 251	GILL STREET	MILPARA
301999	JAR & DA DOCKING	N P & J L WIGNALL	DWELLING GARAGE ALFRESCO AND FRONT FENCE	18	Location 45	HENLEY GROVE	MIRA MAR
300941	JR GOMM	M M & J FEICHTINGER	NEW DWELLING AND RETAINING WALLS	25A	Lot 242 Lot 2	BERESFORD STREET	MIRA MAR
301974	NEW HORIZON HOMES (WA) PTY LTD	Owner's Name and address	2 STOREY DWELLING & RETAINING WALLS	37	Lot 214	MCLEOD STREET	MIRA MAR
301764	DWAYNE TEN HAAF	<i>not shown at their request</i> J H & S J DOBBE	RETAINING WALLS SHED & PATIO	20	Location PL44	BERESFORD STREET	MIRA MAR
301698	OWNER BUILDER	Owner's Name and address <i>not shown at their request</i>	ADDITIONS AND ALTERATIONS	47	Location 44	GREENSHIELDS STREET	MIRA MAR
301635	OWNER BUILDER	Owner's Name and address <i>not shown at their request</i>	PATIO DECK CARPORT & RETAINING WALL	261	Location 112	ALBANY HIGHWAY	MT MELVILLE
302018	KOSTERS STEEL CONSTRUCTION PTY LTD	<i>not shown at their request</i> T S COLLINS & S M COLLINS	PATIO	2775	Location 2824	CHESTER PASS ROAD	NAPIER
301959	Danny & Robyn De Jong	D F & R A DE JONG	DWELLING ALTERATIONS-	1377	Location 5506	CHESTER PASS ROAD	NAPIER
			ADDITIONS AND NEW SHED		Lot 1		

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
302009	OUTDOOR WORLD	Owner's Name and address	SHED	20	Location 231	LURLINE STREET	ORANA
302008	GC EVANS	<i>not shown at their request</i> Owner's Name and address	DWELLING AND GARAGE	22	Lot 300 Location PL384 Lot	WHIDBY STREET	ORANA
301349	A BOCCAMAZZO	<i>not shown at their request</i> S C ORZEL	ADDITIONS AND ALTERATIONS	65	Lot 119 Lot 257	CARBINE STREET	ORANA
302041	OWNER BUILDER	TJ HENDERSON	SHED	13	Location 231	MINOR ROAD	ORANA
302053	TURPS STEEL FABRICATIONS	IC R DUNN	SHED	7	Lot 19 Location 355	FLEMINGTON STREET	ORANA
302023	PULS PATIOS	S D TOUCHELL	PATIO	6	Location 384	BROUGHTON STREET	ORANA
302012	OWNER BUILDER	T G & E J WATKINS	SHED - STABLES	470	Location 33	ROBINSON ROAD	ROBINSON
302013	MALCOLM HARDING	M J MCILWAINE	PATIO	140	Location 33	FRENCHMAN BAY ROAD	ROBINSON
302030	WA COUNTRY BUILDERS PTY LTD	BJ NEEDLE & DL CULLODEN	SINGLE DWELLING	49	Location 42	PREMIER CIRCLE	SPENCER PARK
302064	OWNER BUILDER	BOOTH B T & J L MORGAN	RETAINING WALL	42	Lot 86 Location 42	MCWHAIE DRIVE	SPENCER PARK
301901	RYDE BUILDING COMPANY PTY LTD	Owner's Name and address <i>not shown at their request</i>	DWELLING GARAGE & ALFRESCO	48880	Lot 666 Location 2450	SOUTH COAST HIGHWAY	TORBAY
302022	PLANTAGANET SHEDS & STEEL PTY LTD	J S M & L M POETT	SHED	118	Lot 171	DELOIRANE DRIVE	RRENUP
302039	Sarah Anne O'Flaherty	Owner's Name and address	SINGLE DWELLING	71	Location 5492/5493 Lot 246	WARRENUP PLACE	RRENUP
302043	OWNER BUILDER	<i>not shown at their request</i> A & S O'FLAHERTY	SHED	71	Location 5492/5493 Lot 246	WARRENUP PLACE	RRENUP
302001	KOSTERS STEEL	DILHORNE PTY LTD	SHED		Location 1019/6758 Lot 211	PARKER BROOK ROAD	WILLYUNG
302004	CONSTRUCTION PTY LTD CALTEX AUSTRALIA	CALTEX ENERGY WA	SIGNS X 4		Location 401	MENANG DRIVE	WILLYUNG
	PETROLEUM P/L				Lot 90		

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
302010	OUTDOOR WORLD	Owner's Name and address <i>not shown at their request.</i>	PATIO	149	Location 441	ROCKY CROSSING	WILLYUNG
302005	ROB HETHERINGTONS PRACTICAL HANDS	ING MANAGEMENT LTD	PATIO WALL	10	Lot 22 Location 7426	ROAD BARNESBY DRIVE	YAKAMIA
302059	TURPS STEEL FABRICATIONS	L G & M A NIXON	CARPORT	9	Lot 112 Location 243	JUNIPER COURT	YAKAMIA
					Lot 669		

**CITY OF ALBANY**

**REPORT**

To : His Worship the Mayor and Councillors  
From : Administration Officer - Planning  
Subject : Planning Scheme Consents – February 2012  
Date : 1 March 2011

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1. The attached report shows Planning Scheme Consents issued under delegation by a planning officer for the month of February 2012.
2. Within the period there was a total of twenty four (24) decisions made on active Planning Scheme Consents ;
  - Twenty one (21) Planning Scheme Consents were approved under delegated authority;
  - One (1) Planning Scheme Consent was approved;
  - One (1) Planning Scheme Consent was cancelled; and
  - One (1) Planning Scheme Consent was refused.

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**Jessica Davidson**  
Administration Officer – Planning

**PLANNING SCHEME CONSENTS ISSUED UNDER DELEGATED AUTHORITY****Applications determined for February**

<b>Application Number</b>	<b>Application Date</b>	<b>Applicant</b>	<b>Street Address</b>	<b>Locality</b>	<b>Description of Application</b>	<b>Decision</b>	<b>Decision Date</b>	<b>Assessing Officer</b>
P2115276	23/12/2011	Powerhouse Architectural Drafting	Cliff Way	Albany	Single House - (Additions - Design Code and Policy Relaxations)	Delegate Approved	14/02/2012	Taylor Gunn
P2115218	12/10/2011	Concept Building Design And Drafting	Hill Street	Albany	Single House (Design Codes Relaxation)	Delegate Approved	17/02/2012	Adrian Nicoll
P2120016	2/02/2012	PJ Sauvage	Cuthbert Street	Albany	Single House - Additions (Heritage Listed)	Delegate Approved	21/02/2012	Taylor Gunn
P2120011	25/01/2012	H&H Architects	Stirling Terrace	Albany	Alteration to Education Establishment	Delegate Approved	24/02/2012	Taylor Gunn
P2120014	2/02/2012	R Holmes	Hercules Crescent	Centennial Park	Builders Yard; Light Industry; Warehouse (Storage Units)	Delegate Approved	16/02/2012	Adrian Nicoll
P2120007	17/01/2012	Daniele Property Group	Mermaid Avenue	Emu Point	Private Recreation (recreation room within existing caravan park)	Delegate Approved	28/02/2012	Adrian Nicoll
P2115250	22/11/2011	RJ Wolfenden	Roundhay Street	Gledhow	Industry - General (Storage of motor vehicles for wrecking)	Delegate Approved	10/02/2012	Jan Van Der Mescht
P2120005	13/01/2012	Ayton Baesjou Planning	Chester Pass Road	King River	Industry - Rural (Warehouse - Storage)	Delegate Approved	10/02/2012	Jessica Anderson
P2115274	22/12/2011	Ayton Baesjou Planning	South Coast Highway	King River	Rural Industry - (bulk stock feed - storage and sales)	Delegate Approved	17/02/2012	Jessica Anderson
P2120018	1/02/2012	Co-Operative Bulk Handling Limited	Chillinup Road	Kojaneerup South	Industry - Rural (grain receival storage - weighbridge additions)	Delegate Approved	13/02/2012	Taylor Gunn
P2120002	6/01/2012	Brendan Douglas Farrell	Forsyth Glade	Kronkup	Arts and Crafts Manufacturing and Sales only if produced on site (Photography)	Delegate Approved	2/02/2012	Jessica Anderson
P2115222	17/10/2011	LL Boston	Migo Place	Kronkup	Single House - Outbuilding (located outside approved building envelope)	Refused	21/02/2012	Taylor Gunn
P2115273	22/12/2011	Palmer Earthmoving (Australia) Pty Ltd	South Coast Highway	Marbelup	Industry - Extractive (Sand and Gravel) - Retrospective Application	Delegate Approved	24/02/2012	Taylor Gunn
P2115266	13/12/2011	NL Knuiman	Scorpio Drive	McKail	Family Daycare	Delegate Approved	13/02/2012	Deb Delury
P2120003	9/01/2012	SP Klein	Lancaster Road	McKail	Ancillary Accommodation	Delegate Approved	15/02/2012	Deb Delury

AGENDA ITEM 2.7 REFERS

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2120026	20/02/2012	LL Boston	Warren Road	Millbrook	overheight/oversize outbuilding	Delegate Approved	23/02/2012	Jessica Anderson
P2120004	12/01/2012	JF Power	Middleton Road	Mt Clarence	Caretaker's House	Delegate Approved	29/02/2012	Deb Delury
P2295089	6/04/2009	S Kettle	Albany Highway	Mt Melville	Home Business (Art Gallery)	Cancelled	24/02/2012	Tom Wenbourne
P2120028	21/02/2012	M Swarbrick	Maxwell Street	Mt Melville	Waste Disposal Site - Weighbridge (Additions)	Delegate Approved	28/02/2012	Adrian Nicoll
P2120010	24/01/2012	Steven Martyn	Brunswick Road	Port Albany	Fuel Depot - (replace existing tank)	Delegate Approved	8/02/2012	Adrian Nicoll
P2120022	15/02/2012	Malcolm Harding	Frenchman Bay Road	Robinson	Single House - Outbuilding (existing outbuilding to be demolished on completion of new outbuilding)	Delegate Approved	23/02/2012	Deb Delury
P2115271	19/01/2012	Ryde Building Company Pty Ltd	South Coast Highway	Torbay	Grouped Dwelling (Second Dwelling on Rural Lot)	Delegate Approved	16/02/2012	Taylor Gunn
P2115081	12/04/2011	Planning Solutions (Aust) Pty Ltd	Menang Drive	Willyung	Service Station	Delegate Approved	2/02/2012	Adrian Nicoll
P2115088	14/04/2011	R Ryan	Bethel Way	Yakamia	Home Business - Landscape Design	Approved	28/02/2012	Tom Wenbourne

**4.1: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2012**

**File Number (Name of Ward)** : FM.FIR.2 - All Wards  
**Appendices** : List of Accounts for Payment  
**Responsible Officer** : Acting Executive Director Corporate Services (P Wignall)

**ITEM 4.1: RESPONSIBLE OFFICER RECOMMENDATION  
 VOTING REQUIREMENT: SIMPLE MAJORITY**

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 21 February 2012 totalling \$2,604,800.51 be RECEIVED.

**BACKGROUND**

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

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 21 February 2012. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

**Municipal Fund**

Trust	Totalling	\$0.00
Cheques	Totalling	\$52,004.00
Electronic Fund Transfer	Totalling	\$1,682,207.12
Credit Cards	Totalling	\$4,934.58
Payroll	Totalling	\$865,800.51
	<b>TOTAL</b>	<b><u>\$2,604,800.51</u></b>

3. As at 21 February 2012, the total outstanding creditors, stands at **\$451,281.10** and made up follows:

Current	\$381,724.47
30 Days	\$44,693.83
60 Days	\$3,662.54
90 Days	\$21,200.26
<b>TOTAL</b>	<b>\$451,281.10</b>

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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4. Cancelled cheques – 27874 & 27875 – incorrect names on cheques – reissued on cheques 27877 & 27897. Cheque 25913 – cancelled due to being outdated and never presented.

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 21 February 2012 has been incurred in accordance with the 2011/2012 budget parameters.

**POLICY IMPLICATIONS**

9. The City's 2011/2012 Annual Budget provides a set of parameters that guides the City's financial practices.

**SUMMARY CONCLUSION**

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

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**4.2: FINANCIAL ACTIVITY STATEMENT – 29 FEBRUARY 2012  
VERSION TWO.**

**Responsible Officer** : Acting Executive Director Corporate Services (P Wignall)

**IN BRIEF**

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 29 February 2012.

**ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION**

**The Financial Activity Statement for the period ending 29 February 2012 be RECEIVED.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 29 February 2012 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.

*“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”*

**CEO:**

**RESPONSIBLE OFFICER:**

6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 29 FEBRUARY 2012

	Actual Year to Date 29-Feb-12	Current Budget Year to Date 29-Feb-12	Current Budget vs Actual Variance	
<b>REVENUE</b>				*
Operating Grants, Subsidies and Cont	2,324,216	2,159,319	164,897	√
Fees and Charges	9,860,690	10,055,664	-194,974	X
Interest Earnings	802,204	492,448	309,756	√
Other Revenue	1,214,134	1,702,869	-488,735	X
	<b>14,201,244</b>	<b>14,410,300</b>	<b>-209,056</b>	
<b>EXPENDITURE</b>				
Employee Costs	10,398,854	10,981,217	-582,363	√
Materials and Contracts	6,609,519	9,179,467	-2,569,948	√
Utility Charges	1,025,231	988,797	36,434	X
Interest Expenses	503,920	504,419	-499	√
Insurance Expenses	576,012	576,516	-504	√
Other Expenditure	1,058,236	1,935,008	-876,772	√
Depreciation	7,789,723	7,875,392	-85,670	√
	<b>27,961,493</b>	<b>32,040,816</b>	<b>-4,079,323</b>	
<b>Adjustment for Non-cash Revenue and Expenditure:</b>				
Depreciation	<b>-7,789,723</b>	<b>-7,875,392</b>	<b>85,670</b>	
<b>CAPITAL REVENUE</b>				
Non-Operating Grants, Subsidies and Cont	2,671,515	3,479,743	-808,228	X
Proceeds from asset disposals	87,190	1,009,926	-922,736	X
Proceeds from New Loans	0	0	0	
Self-Supporting Loan Principal Revenue	15,271	15,530	-259	X
Transfers from Reserves (Restricted Assets)	4,855,084	4,865,148	-10,064	X
	<b>7,629,060</b>	<b>9,370,347</b>	<b>-1,741,287</b>	
<b>CAPITAL EXPENDITURE</b>				
Capital Expenditure	2,929,417	10,662,771	-7,733,354	√
Repayment of Loans	428,109	428,253	-144	√
Transfers to Reserves (Restricted Assets)	3,845,947	3,807,931	38,016	X
	<b>7,203,474</b>	<b>14,898,955</b>	<b>-7,695,482</b>	
Estimated Surplus B/fwd				
ADD Net Current Assets July 1 B/fwd	<b>4,582,872</b>	<b>4,582,872</b>	<b>n/a</b>	
LESS Net Current Assets Year to Date	<b>24,667,249</b>	<b>31,274,794</b>	<b>n/a</b>	
Amount Raised from Rates	<b>-25,629,318</b>	<b>-25,561,281</b>	<b>-68,037</b>	

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

\* X is lower than expected revenue and higher than expected Expenditure

## 7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 29 FEBRUARY 2012

	Actual 29-Feb-12	Actual 30-Jun-11
<b>NET CURRENT ASSETS</b>		
Composition of Net Current Asset Position		
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	20,609,249	5,767,118
Cash - Restricted	5,378,147	6,634,295
Receivables	5,138,132	2,136,618
Inventories	2,821,992	3,202,824
<b>Total Current Assets</b>	<b>33,947,520</b>	<b>17,740,855</b>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	3,902,124	6,523,688
	<b>30,045,396</b>	<b>11,217,167</b>
Less: Cash - Restricted - Trust	(1,071,289)	(1,318,300)
Less: Cash - Restricted - Reserves	(4,306,858)	(5,315,995)
<b>NET CURRENT ASSET POSITION</b>	<b>24,667,249</b>	<b>4,582,872</b>
 <b>NET CURRENT ASSETS PER BALANCE SHEET</b>	 22,308,631	 2,819,432
<b>Difference</b>	<b>(2,358,618)</b>	<b>(1,763,440)</b>
<b>Difference Represented by:</b>		
Restricted Cash (Trust)	1,071,289	1,318,300
Reserve Funds - Financial Assets	327,010	327,010
Reserve Funds - Other	3,979,848	4,988,985
Self Supporting Loans (part of Receivables and Other)	(15,271)	
	<b>5,362,876</b>	<b>6,634,295</b>
<b>Less:</b>		
Borrowings	6,710,066	7,138,175
Trust Liabilities	1,011,428	1,259,560
<b>Difference</b>	<b>(2,358,618)</b>	<b>(1,763,440)</b>

**8. CITY OF ALBANY– STATEMENT OF FINANCIAL POSITION–AS AT 29 FEBRUARY 2012**

	<b>Actual 29-Feb-12</b>	<b>Actual 30-Jun-11</b>
<b>CURRENT ASSETS</b>		
Cash - Municipal	20,609,249	5,767,118
Restricted cash (Trust)	1,071,289	1,318,300
Reserve Funds - Financial Assets	327,010	327,010
Reserve Funds - Other	3,979,848	4,988,985
Receivables & Other	5,122,861	2,136,618
Investment Land	2,084,068	2,398,674
Stock on hand	737,924	804,150
	<b>33,932,249</b>	<b>17,740,855</b>
<b>CURRENT LIABILITIES</b>		
Borrowings	6,710,066	7,138,175
Creditors prov - Annual leave & LSL	2,487,008	2,381,578
Trust Liabilities	1,011,428	1,259,559
Creditors prov & accruals	1,415,116	4,142,110
	<b>11,623,618</b>	<b>14,921,422</b>
<b>NET CURRENT ASSETS</b>	<b>22,308,631</b>	<b>2,819,432</b>
<b>NON CURRENT ASSETS</b>		
Receivables	46,211	46,211
Pensioners Deferred Rates	370,759	370,759
Investment Land	4,509,155	4,509,155
Property, Plant & Equip	71,692,218	71,237,891
Infrastructure Assets	185,135,011	190,555,179
Local Govt House Shares	19,501	19,501
	<b>261,772,854</b>	<b>266,738,695</b>
<b>NON CURRENT LIABILITIES</b>		
Borrowings	12,626,394	12,626,394
Creditors & Provisions	464,911	464,911
	<b>13,091,305</b>	<b>13,091,305</b>
<b>NET ASSETS</b>	<b>270,990,181</b>	<b>256,466,823</b>
<b>EQUITY</b>		
Accumulated Surplus	247,181,219	231,648,724
Reserves	5,034,328	6,043,465
Asset revaluation Reserve	18,774,634	18,774,634
	<b>270,990,181</b>	<b>256,466,823</b>

**9. STATEMENT OF COMPREHENSIVE INCOME (BY NATURE OR TYPE) –  
AS AT 29 FEBRUARY 2012**

**Nature / Type**

	<b>YTD Actual 2011/12</b>	<b>Budget-Total 2011/12</b>	<b>Actual 2010/11</b>
<b>INCOME</b>			
Rates	25,629,318	25,619,665	24,114,001
Grants & Subsidies	2,065,799	2,710,582	3,570,141
Contributions. Reimb & Donations	258,418	349,697	1,215,224
Fees & Charges	9,860,690	13,327,249	7,660,720
Service Charges	322	0	3,741,095
Interest Earned	802,204	697,000	1,184,413
Other Revenue / Income	1,215,652	617,625	860,783
	<b>39,832,403</b>	<b>43,321,818</b>	<b>42,346,378</b>
<b>EXPENDITURE</b>			
Employee Costs	10,398,854	16,948,783	15,295,323
Utilities	1,025,231	1,319,732	1,507,429
Interest Expenses	503,920	1,042,761	1,114,199
Depreciation on non current assets	7,789,723	11,817,938	11,449,614
Contracts & materials	6,609,519	12,973,799	11,290,975
Insurance expenses	576,012	584,845	543,500
Other Expenses	1,058,956	223,994	1,665,462
	<b>27,962,215</b>	<b>44,911,852</b>	<b>42,866,502</b>
<b>Change in net assets from operations</b>	<b>11,870,188</b>	<b>(1,590,034)</b>	<b>(520,124)</b>
Grants and Subsidies - non-operating	2,580,104	6,770,372	9,180,800
Contributions Reimbursements and Donations - non-operating	91,411	3,148,907	1,567,374
Profit/Loss on Asset Disposals	(18,345)	(905,815)	142,634
Cash Backing of Reserves	0	718,230	0
Fair value - Investments adjustment			0
	<b>14,523,358</b>	<b>8,141,660</b>	<b>10,370,684</b>

**10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 29 FEBRUARY 2012**

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Dec-11	Market Value Jan-12	Market Value Feb-12	Latest Monthly Variation
<b>MUNICIPAL ACCOUNT</b>							
CBA	4/11/2011	2,000,000	5.70%				
CBA	4/12/2011	1,000,000	5.66%				
CBA	6/01/2012	2,000,000	5.57%	2,000,000			
CBA	3/02/2012	1,000,000	5.48%	1,000,000	1,000,000		
CBA	5/02/2012	2,000,000	5.40%		2,000,000		
CBA	4/03/2012	1,000,000	5.23%			1,000,000	
CBA	4/03/2012	2,000,000	5.23%			2,000,000	
NAB	4/12/2011	2,000,000	5.53%				
NAB	3/01/2012	1,000,000	5.70%	1,000,000			
NAB	2/05/2012	1,000,000	6.10%		1,000,000	1,000,000	
NAB	2/04/2012	2,000,000	5.92%	2,000,000	2,000,000	2,000,000	
ANZ	4/01/2012	3,000,000	5.80%	3,000,000			
ANZ	2/04/2012	3,000,000	5.50%		3,000,000	3,000,000	
BENDIGO	4/11/2011	1,000,000	5.50%				
BENDIGO	6/01/2012	1,000,000	5.50%	1,000,000			
BENDIGO	3/02/2012	1,000,000	5.25%		1,000,000		
BENDIGO	5/03/2012	1,000,000	5.00%			1,000,000	
BANKWEST	4/01/2012	2,000,000	5.80%	2,000,000			
BANKWEST	5/03/2012	2,000,000	5.50%		2,000,000	2,000,000	
				<b>12,000,000</b>	<b>12,000,000</b>	<b>12,000,000</b>	n/a

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest	Market Value	Market Value	Market Value	Latest Monthly Variation
<b>RESERVES ACCOUNT</b> No funds currently invested				0	0	0	
<b>COMMERCIAL SECURITIES - CDOs (New York Mellon)</b>				<b>0</b>	<b>0</b>	<b>0</b>	n/a
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	0	0	0	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	0	0	0	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	0	0	0	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	0	0	0	0
		<b>2,118,046</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>COMMERCIAL SECURITIES - CDOs - Other</b>							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	144,500	144,500	144,500	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	0	0	0	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	0	0	0	0
		<b>1,324,656</b>		<b>213,250</b>	<b>213,250</b>	<b>213,250</b>	<b>0</b>
<b>PORTFOLIO TOTAL</b>				<b>12,213,250</b>	<b>12,213,250</b>	<b>12,213,250</b>	<b>0</b>



## 11. FINANCIAL RATIOS - AS AT 29 FEBRUARY 2012

CITY OF ALBANY FINANCIAL RATIOS		30-Jun-10	30-Jun-11	29-Feb-12	Benchmark
<b>Liquidity Ratios</b>					
	Current Ratio <sup>1</sup>	117.4%	81.3%	269.1%	>100%
	Untied Cash to trade creditors Ratio <sup>2</sup>	51.2%	273.6%	2533.1%	>100%
<b>Financial Position Ratio</b>					
	Debt Ratio <sup>3</sup>	11.3%	9.8%	8.4%	<100%
<b>Debt Ratios</b>					
	Debt Service Ratio <sup>4</sup>	7.5%	9.0%	2.3%	<10%
	Gross Debt to Revenue Ratio <sup>5</sup>	56.9%	46.7%	48.7%	<60%
	Gross Debt to Economically Realisable Assets <sup>6</sup>	25.9%	22.6%	18.5%	<30%
<b>Coverage Ratio</b>					
	Rate Coverage Ratio <sup>7</sup>	63.3%	46.0%	64.4%	>33%
<b>Effectiveness Ratio</b>					
	Outstanding Rates Ratio <sup>8</sup>	5.4%	3.3%	15.5%	<5%

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

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS** Expenditure for the period ending 29 February 2012 has been incurred in accordance with the 2011/12 proposed budget parameters. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

**13. VARIANCES TO BUDGET IN EXCESS OF \$100,000 - AS AT 29 FEBRUARY 2012**

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
<b>CHIEF EXECUTIVE OFFICER</b>								
182820. CEO - SALARIES	448,409	618,740	412,488	268,953	143,535	35%	✓	Major Projects salary line added during corporate restructure. Costs to date have been allocated to Works & Services. Not all positions have been filled. Subject to Q3 review.
<b>DIRECTOR COMMUNITY</b>								
137930. A/PORT-LANDING FEES	(1,274,464)	(1,274,464)	(802,907)	(910,801)	107,894	13%	✓	Additional charges introduced this financial year for ILS training fees.
<b>DIRECTOR CORPORATE</b>								
103430. MAJOR PLANT-P/LOSS SALE OF ASSETS	1,267,411	1,267,410	760,447	39,189	721,258	95%	✓	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.
106030. INTEREST ON INVESTMENTS	(450,000)	(475,966)	(317,304)	(525,164)	207,860	66%	✓	Higher than anticipated interest rates. Adjustments to be made Q3.
106640. INFORMATION TECHNOLOGY	272,860	277,860	231,187	21,602	209,585	91%	✓	Timing difference, expenditure is expected to be in line with budget at financial year end.
148230. PASSENGER VEHICLES-P/LOSS SALE OF ASSET	1,053,522	1,053,522	526,762	65,873	460,889	87%	✓	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.
185030. Proceeds Investment Land	0	(2,000,000)	(1,333,328)	(358,636)	(974,692)	-73%	✗	Cull Road development continues to be offered for sale.

\*\*REFER DISCLAIMER\*\*

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
185270. Carrying Value Investment Land Sold <b>DIRECTOR WORKS &amp; SERVICES</b>	0	2,446,899	1,631,264	314,606	1,316,658	81%	✓	Cull Road development continues to be offered for sale.
100040. ROAD SAFETY	232,488	371,308	247,488	114,043	133,445	54%	✓	Total costs for the year are expected to be in line with budget. Contractor has commenced pickup. Approximately \$100,000 worth of steel has been collected but funds not received due to timing issue.
108830. SALE OF SCRAP METAL	(200,000)	(200,000)	(133,280)	(24,386)	(108,894)	-82%	✗	Unspent funds to be transferred to Strategic Projects - District Water Management Strategy & Development Contribution Plan. Subject to Q3 adjustment for restructure to Office of CEO.
110270. CITY DESIGN - PROJECTS	245,000	245,000	163,264	10,732	152,532	93%	✓	Unspent funds to be transferred to Strategic Projects - Drainage Asset Manage Plan. Subject to Q3 adjustment for restructure to Office of CEO.
110920. CITY ASSETS PROJECTS	254,450	254,450	182,076	(13,754)	195,830	108%	✓	Savings made due to cancellation of Cleanaway MOU. Reduction in staff overtime with changes to staff rostering.
118520. REFUSE-TIP MAINTENANCE	1,389,700	1,389,700	926,024	743,677	182,347	20%	✓	Reduced amount of waste received at landfill sites. Increase competition in the marketplace for receiving industrial waste.
119530. REFUSE-INC HANRAHAN ROAD	(1,720,000)	(1,720,000)	(1,002,932)	(754,122)	(248,810)	-25%	✗	Expenses are currently below budget. Annual costs expected to be in line with budget.
132220. ROAD MAINTENANCE	3,925,000	3,925,000	2,615,608	2,173,288	442,320	17%	✓	

\*\*REFER DISCLAIMER\*\*

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
135440. Passenger Vehicles Purchase	777,101	777,101	388,550	84,296	304,254	78%	✓	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.
135540. Commercial Vehicles (Utes) Purchase	1,100,000	1,100,000	550,000	0	550,000	100%	✓	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.
135640. Major Plant Purchase	1,065,000	1,065,000	532,500	66,400	466,100	88%	✓	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.
138070. Waste Minimisation Contract	2,363,896	2,363,896	1,575,280	1,428,741	146,539	9%	✓	Year-to-date expenses are below budget. This is only a timing difference and annual costs are expected to be in line with budget.
141150. Road Funding - Other	(868,000)	(907,000)	(453,500)	(172,000)	(281,500)	-62%	✗	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
141250. Road Funding - TIRES	(400,000)	(400,000)	(400,000)	(160,000)	(240,000)	-60%	✗	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
141550. Passenger Vehicle Proceeds	(625,017)	(625,017)	(312,508)	(60,909)	(251,599)	-81%	✗	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.
141650. Commercial Vehicles Proceeds	(550,000)	(550,000)	(275,000)	0	(275,000)	-100%	✗	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.
141750. Major Plant Proceeds	(735,000)	(735,000)	(420,420)	(23,563)	(396,857)	-94%	✗	Timing of plant replacement. Preparation of tender documents for vehicle replacement currently being undertaken.

\*\*REFER DISCLAIMER\*\*

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
144920. CITY ASSETS-SALARIES	582,146	485,261	323,504	186,926	136,578	42%	✓	Works & Services restructure - salaries being re-allocated.
147320. FUEL & OIL	687,186	687,186	457,936	327,921	130,015	28%	✓	Fuel price and usage not as high as budgeted for. Usage likely to increase in the next quarter.
147920. PLANT-ALLOCATE TO W/SERV.	(2,932,540)	(2,932,540)	(1,954,232)	(1,741,678)	(212,554)	-11%	×	This is an internal "billing" of plant and machinery used on various jobs around the City. As work is performed by Works and Services, plant use is billed to the job. As can be seen in 132220 Road Maintenance and 149940 Asset Preservation, for example, maintenance activity has been below budget, but should be in line with budget by financial year end. Year to date expenses are below budget.
149840. ASSET UPGRADE-REGIONAL RD	2,496,259	2,154,815	1,446,854	118,614	1,328,240	92%	✓	This is only a timing difference, and annual costs are expected to be in line with budget.
149940. ASSET PRESERVATION	3,195,730	2,943,730	1,988,434	345,380	1,643,054	83%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.
150140. DRAINAGE CONSTRUCTION	1,175,070	2,386,259	1,667,644	331,307	1,336,337	80%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.

\*\*REFER DISCLAIMER\*\*

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
151640. PATHWAY CONSTRUCTION	1,498,497	1,577,997	1,051,488	553,221	498,267	47%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.
151840. PARKS & RESERVES	106,721	253,150	168,696	32,518	136,178	81%	✓	Emu Point Erosion project will be costed to Major Projects (\$70,000) in Q3 review for restructure to Office of CEO. Timing difference-all other projects will be completed before end of financial year.
152140. WASTE/TIPS PROJECTS	1,930,010	1,735,011	1,048,788	66,667	982,121	94%	✓	Most of the leachate project works delayed to next financial year. Weighbridge shelter to be constructed 6-8 weeks. Some design work and minor capping/drainage work to occur before May.

**POLICY IMPLICATIONS**

- 14. The City's 2010/11 Annual Budget provides a set of parameters that guides the City's financial practices.
- 15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

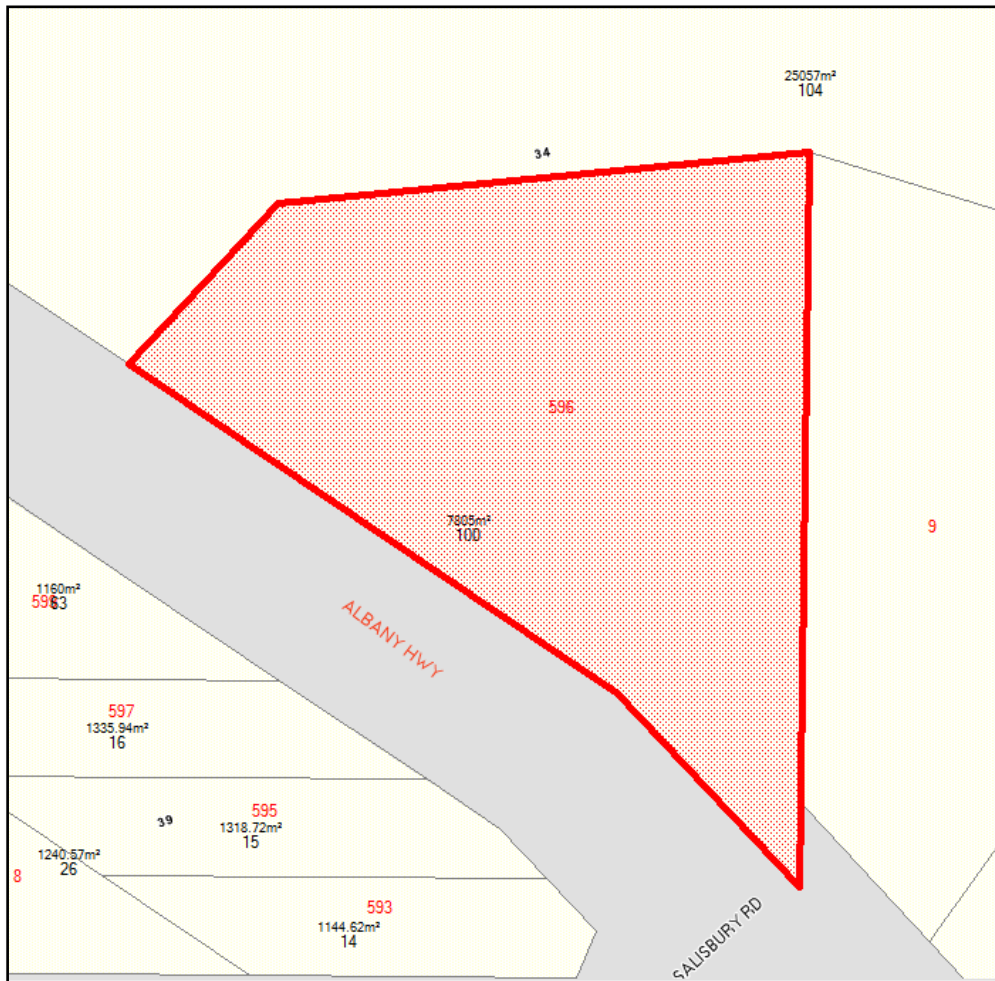
<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**4.3: LOT 100 No 596 ALBANY HIGHWAY, WARRENUP – MAIN ROADS WA LAND REQUIREMENT FOR ROAD WIDENING**

**Land Description** : Lot 100 No 596 Albany Highway, Warrenup  
**Proponent** : Main Roads WA  
**Owner** : HJ & DA Norton  
**Attachments** : Land Requirements Plan (produced by Main Roads WA – Drawing 201101-081)  
**Responsible Officer(s)** : Acting Executive Director Corporate Services (P Wignall).

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider the proposal by Main Roads WA to widen portion of Albany Highway to accommodate the installation of the future dual carriageway. The road reserve will also accommodate a footpath, proposed to be constructed by the City as part of the 2012/13 Capital Works Program. A resolution of Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

CEO:	RESPONSIBLE OFFICER:
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**RECOMMENDATION**

**ITEM 4.3: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- i) **SUPPORTS** the proposal by Main Roads WA to acquire land from Lot 100 No 596 Albany Highway, Warrenup (as depicted in Drawings 201101-081) to allow the widening of Albany Highway, on the condition that Main Roads WA fully complies with the Taking by Agreement provisions of section 168 of the *Land Administration Act 1997*;
- ii) **SUPPORTS** the action by Main Roads WA to seek approval of the Minister for Lands, under section 56 of the *Land Administration Act 1997*, to dedicate the land to be taken for road widening as a public road;
- iii) **INDEMNIFIES** the Minister for Lands, on behalf of Main Roads WA, from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*; and
- iv) **REQUIRES** that Main Roads WA indemnify the Council against all costs and charges, including any claims for compensation that may arise, associated with this dedication action.

**BACKGROUND**

1. Main Roads WA has sought Council's support to acquire land from Lot 100 No 596 Albany Highway, Warrenup for inclusion in the Albany Highway road reserve to accommodate the future dual carriageway.
2. Main Roads WA has requested that Council provide an appropriate resolution for the road widening, in order to satisfy the requirements of the *Land Administration Act 1997*.
3. Main Roads WA has indicated that it will indemnify Council against all costs and charges that relate to the dedication action.
4. Main Roads WA has consulted with the affected landowners. The landowners are supportive and have signed a consent form agreeing in principle to the proposed works and the taking of the land, though compensation negotiations are ongoing.

**DISCUSSION**

5. The request from Main Roads WA to assist with the widening of the Albany Highway road reserve will support proposed upgrading works to create a dual carriageway in this section of the highway.

6. The City's footpath along Albany Highway has been extended north from Lancaster Road and crossing the road to Bottrell Close, as part of the 2011/12 Capital Works program. It is proposed that a further extension to this path from Bottrell Close to Kooyong Avenue will be listed for consideration in the 2012/13 Capital Works Program. This section of footpath will pass through the land proposed to be taken for the widening of Albany Highway.
7. On a previous and similar occasion, a verbal conversation with officers at the Department for Regional Development and Lands confirmed that Main Roads WA does not have any power to comply with the provisions of Section 56 of the *Land Administration Act 1997* with respect to road dedication and the Council must do this on behalf of Main Roads WA. However, Main Roads WA is responsible for all of the consultation, costs and charges associated with this action.

#### **GOVERNMENT CONSULTATION**

8. No other consultation with government agencies has occurred on this matter, however the road widening will be taken by way of the subdivision process administered by the Western Australian Planning Commission. As part of the process, relevant Government agencies are invited to comment.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

9. No public consultation by the City of Albany is required on the proposal under the statutory provisions. Main Roads WA, as the body progressing the land acquisition, road widening and road dedication processes, will be responsible for negotiation with the affected landowner.

#### **STATUTORY IMPLICATIONS**

10. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must indemnify the Minister for Lands against any claim for compensation.
11. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation.
12. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land shown on a diagram or plan of survey of a subdivision shown as a new road or road widening will be dedicated as a road.

**STRATEGIC IMPLICATIONS**

13. This item directly relates to the following elements of the City of Albany Strategic Plan 2011-2021:

**Key Focus Area**

*Lifestyle and Environment*

**Community Priority**

*Road Improvements*

**Proposed Strategies**

*Advocate to Main Roads for improvements to Albany Highway*

**POLICY IMPLICATIONS**

14. There are no policy implications relevant to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Council does not approve Main Roads WA request to assist with the widening of Albany Highway.	Unlikely	Moderate - The Main Roads managed road would remain in a substandard state with traffic congestion and safety concerns.	Medium	Council supports Main Roads WA request and comply with the provisions of the <i>Land Administration Act 1997</i> to permit the road works to occur.

**FINANCIAL IMPLICATIONS**

16. Beyond staff time involved in organising the land matters, there are no financial implications relevant to this item, as all costs associated with the land acquisition, road widening, road dedication and any subsequent claims for compensation are to be borne by Main Roads WA.

**LEGAL IMPLICATIONS**

17. The widening of Albany Highway will ensure that there is sufficient road reserve available to undertake the proposed works on land legitimately reserved for this purpose.

**ALTERNATE OPTIONS**

18. Council can:
- Decline the request and Albany Highway will remain as is; or
  - Support the request to allow for the road widening and road dedication to improve traffic movement and pedestrian safety in the area.

**SUMMARY CONCLUSION**

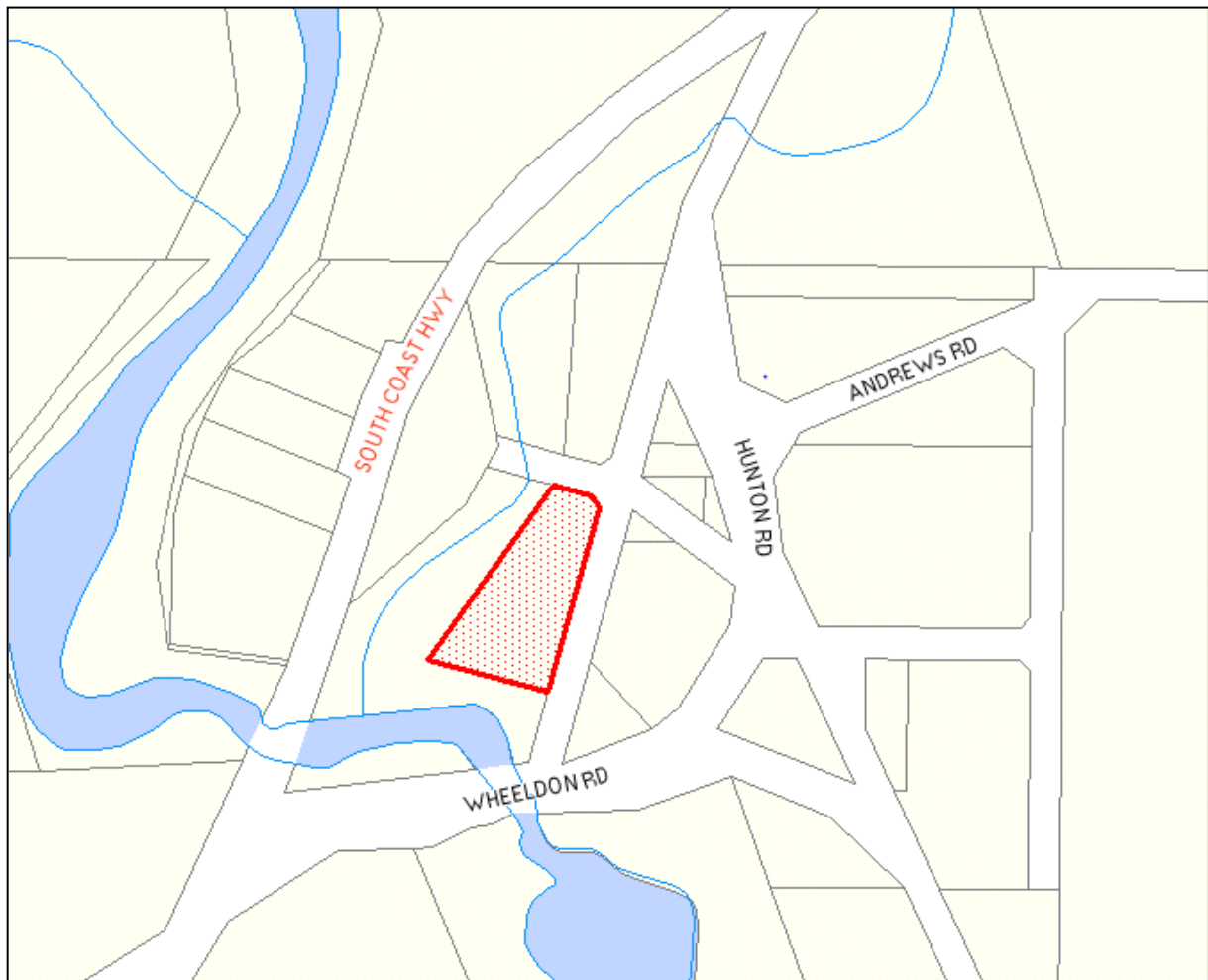
19. The proposed widening of Albany Highway will be undertaken to facilitate roads works to improve the safety and standard of this section of the highway. Main Roads is negotiating with the affected landowners to secure the taking of the land by agreement and will be responsible for all administrative costs and processes to create the wider road reserve.
20. Council's resolution is sought to comply with the provisions of the *Land Administration Act 1997* relative to the dedication of this land as a road reserve as Main Roads WA do not have any powers under this Act.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Planning and Development Act 2005</i>
<b>File Number (Name of Ward)</b>	:	RD.DEC.2
<b>Previous Reference</b>	:	No previous references

**4.4: PROVISION OF LEGAL CONSTRUCTED ROAD ACCESS TO 17 WHEELDON ROAD**

**Land Description** : Lot 23 No 17 Wheeldon Road, Kalgan & surrounding Crown Land (road reserve, unallocated Crown land (Lot 2))  
**Proponent** : City of Albany; N Gibbons; Kalgan Settlers Association  
**Owner** : N & S Gibbons; State of WA (Crown)  
**Attachments** : Map Showing Interests  
**Responsible Officer(s)** : Acting Executive Director Corporate Services (P Wignall)

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider an alternative access route for 17 Wheeldon Road, as Council's previous resolution to use Lot 2 Hunton Road (Unallocated Crown Land) has not been supported by the South West Aboriginal Land and Sea Council because of the native title rights that exist over all Unallocated Crown Land and the Noongar heritage values of this area.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**4.4: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council SUPPORTS the use of the existing dedicated road reserve running between Hunton Road and Wheeldon Road and portion of Reserve 13909, Kalgan as a means for providing constructed road access to Lot 23 No 17 Wheeldon Road, Kalgan, subject to the receiving the final approval of the submitted section 18 application from the Minister for Indigenous Affairs.**

**BACKGROUND**

1. At the meeting held on 21 September 2010, Council considered the options to provide a legal constructed access route to 17 Wheeldon Road, as this property does not currently have constructed road frontage. The owners of this property have been informally accessing their property through the adjoining Reserve 22325, which is vested in the Kalgan Settlers Association.
2. The Kalgan Settlers Association have sought the City's support to prevent vehicles using their reserve as a thoroughfare, due to safety concerns and their intention to limit disturbance to the heritage building situated on this lot. Council has previously been advised that it is within the Association's rights to barricade the existing track to prevent vehicles informally accessing the land.
3. It was proposed to use Lot 2 Hunton Road, which is Unallocated Crown Land, as the means for accessing 17 Wheeldon Road, as this land offers minimal clearing requirements to provide vehicle access to the property. Council, at its meeting held on 21 September 2010, resolved to seek the Minister for Lands' approval to dedicate this portion of Unallocated Crown Land as a road.
4. It was only through liaising with the Department for Regional Development and Lands to progress the Council resolution, that the requirement to consult with the South West Aboriginal Land and Sea Council was identified. Our process is now to refer all proposals on Crown Land to the South West Aboriginal Land and Sea Council for comment. It cannot be determined why this process was not followed previously, as other officers were responsible.
5. As the access track was proposed to be located in Crown Land, the matter was referred to the South West Aboriginal Land and Sea Council for comment. This agency advised of the following:
  - a) The area around Kalgan is of significant importance to the Noongar community and proposals to do anything in the area of the Registered Site will be met with concern;
  - b) The land surface through the Kalgan Hall reserve has been disturbed by past and present uses and, as such, the claimants consider this the most appropriate place to access the property;
  - c) The claimants would like to minimise the level of disturbance to the surface and subsurface of the site;
  - d) It is unlikely that the City will, under any circumstances, obtain agreement from the Noongar community for the Unallocated Crown Land to be used for a roadway; and

**\*\*REFER DISCLAIMER\*\***

- e) It is the preference of the South West Aboriginal Land and Sea Council that the City discusses this matter further with the Kalgan Settlers Association to facilitate the access through their land.
6. As a result of this advice, City officers met with members of the Kalgan Settlers Association to discuss this matter further. However, the Association maintains their position that they would like the access route to be relocated. The Association plans to restore the existing heritage-listed Kalgan Hall and wants to protect this building. They would also like to maintain the site for their own future use and possible expansion, without the physical limitation the access track poses.

## **DISCUSSION**

7. In view of the significant objections by the South West Aboriginal Land and Sea Council and the Kalgan Settlers Association to the use of both the Kalgan Settlers Association Reserve 22325 and the adjoining Unallocated Crown Land at Lot 2 Hunton Road, an alternative means for accessing 17 Wheeldon Road was explored.
8. There is currently an unconstructed dedicated road reserve running between Wheeldon and Hunton Road, between private land holdings at 17 and 22 Wheeldon Road and the Kalgan Settlers Association Reserve. It is understood that there was historically a road constructed in this location, though there is little evidence of this today and much of the vegetation has regrown. This road has previously been known as James Street or Cape Richie Road.
9. The Department for Regional Development and Lands has advised that this road reserve was dedicated as a road on 26 December 1896. Accordingly, Native Title has been extinguished on this land parcel.
10. The majority of the land is well vegetated in this area, however there is a previously cleared path leading from Hunton Road through to the properties at 17 and 22 Wheeldon Road. It appears this path may have been cleared to install power and telecommunications services, though again much of the vegetation has partially regrown.
11. It was considered that the least obtrusive path for the access track was to follow the previously cleared line, which means a small portion of the access track will cut through Reserve 13909, a 'C' class reserve vested in the City of Albany for Recreation purposes. This route has been chosen as it minimises the amount of vegetation that will need to be removed and it is likely that the ground in this significant Aboriginal site has previously been disturbed by the installation of services through the area.
12. As there is a registered Aboriginal Site (Site 5523 – Kalgan Hall Archaeological Site) impacting the whole area between the Kalgan River, Hunton Road and Wheeldon Road, compliance with the *Aboriginal Heritage Act 1972* is required. To this end, a section 18 approval has been sought to undertake works in a registered Aboriginal site.



## **GOVERNMENT CONSULTATION**

13. Advice on this matter has been sought from the Department of Indigenous Affairs and the Department for Regional Development and Lands.
14. The Department for Regional Development and Lands have advised that the native title has been extinguished on this land by way of dedication of the road in 1896 and compliance with the *Native Title Act 1993* is not required. Though, compliance with the *Aboriginal Heritage Act 1972* will be required as the road reserve is situated in a Registered Aboriginal Site.
15. The Department for Indigenous Affairs has advised that the proposed access track is situated in Registered Aboriginal Site 5523 (Kalgan Hall) and approval will be required under the provisions of the *Aboriginal Heritage Act 1972*. This application was lodged with the Department on 1 December 2011.
16. The section 18 application was considered at the Aboriginal Cultural Materials Committee held on 8 February 2012 and a recommendation has been made to the Minister for Indigenous Affairs. No indication of this recommendation can be obtained prior to the Minister's decision and the Minister has 30 working days in which to make this decision (being the 21 March 2012).
17. Contact was made with the Department for Indigenous Affairs to advise of the timing constraints of this project and the need to commence works before the area becomes too wet. The Department has assured that every effort will be made to convey the Minister's decision to the City prior to the Council meeting at which this report will be considered. Further information on the Minister's decision will be circulated to Council as soon as it becomes available.

## **PUBLIC CONSULTATION / ENGAGEMENT**

18. As part of identifying an alternative access track to 17 Wheeldon Road, the City has undertaken consultation with the South West Aboriginal Land and Sea Council and the Kalgan Settlers Association.
19. The proposed access track and the use of the existing dedicated road reserve were discussed with members of the local Noongar community. It was in this meeting that the proposal to use the existing road reserve was actually developed. As such, it has the support of some members of the local Noongar community.
20. In addition, the consultant engaged to undertake the archaeological and ethnographic assessment required as part of the section 18 application process met with two members of the Noongar community. Both members stated their preference for the track to follow the previously cleared path and supported the City's attempts to minimise ground disturbing activities in this significant area.

21. Should Council support this proposal, consultation will be undertaken with the owners of 22 Wheeldon Road, as these owners are situated nearby the proposed works, however no works will occur on their land. This is the same as the process adopted for all capital works where, once all approvals are in place, nearby owners are given prior notification of the works occurring.

#### **STATUTORY IMPLICATIONS**

22. Section 5 of the *Aboriginal Heritage Act 1972* protects places of Aboriginal cultural significance.
23. Section 17 of the *Aboriginal Heritage Act 1972* states that any person who alters in any way an Aboriginal site commits an offence. Section 18 of this Act states that approval may be sought for any works or actions that may be likely to result in a breach of section 17 in respect to any Aboriginal site. This approval must be granted by the Minister for Indigenous Affairs via the Department for Indigenous Affairs.

#### **STRATEGIC IMPLICATIONS**

24. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

##### **Key Focus Area**

Lifestyle and Environment

##### **Community Priority**

Preservation of Albany's uniqueness

##### **Proposed Strategies**

Retain Albany's unique heritage aspects (ANZAC Story, first European settlement, Indigenous history)

#### **POLICY IMPLICATIONS**

25. There are no policy implications relevant to this item.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>(L)</b>	<b>(C)</b>	<b>Risk Rating</b>	<b>Mitigation</b>
If an alternative access route is not agreed, the Kalgan Settlers Association may prevent access to their Reserve leaving the owners of 17 Wheeldon Road with no constructed access to their property	Possible	Medium – Private landowners will have no means for accessing property held in their ownership	High	The City would be required to find a suitable access track to 17 Wheeldon Road that is agreeable to all stakeholders and seek the necessary approvals to construct the track and then build the track.

**FINANCIAL IMPLICATIONS**

27. Council has allocated an amount of \$30,818 in the 2011/12 budget for the construction of an access track to 17 Wheeldon Road.
28. The Heritage Survey required as part of the section 18 application required the appointment of a suitable consultant, at a cost of \$6,085. This included provision for two Aboriginal monitors to attend the site and undertake a survey of the area.

**LEGAL IMPLICATIONS**

29. The City is legally required to lodge a section 18 approval prior to undertaking any works in a Registered Aboriginal Site. This requirement is being observed and the decision of the Minister is forthcoming.

**ALTERNATE OPTIONS**

30. The City has explored other options for providing constructed road access to the owners of 17 Wheeldon Road, including maintaining the existing access track through the Kalgan Settlers Association Reserve and using the unallocated Crown Land at Lot 2 Hunton Road as a means of access.
31. As significant objections have been raised to these possibilities, it is now considered that there is little alternative available to using the existing dedicated road reserve running between Hunton and Wheeldon Road.

**SUMMARY CONCLUSION**

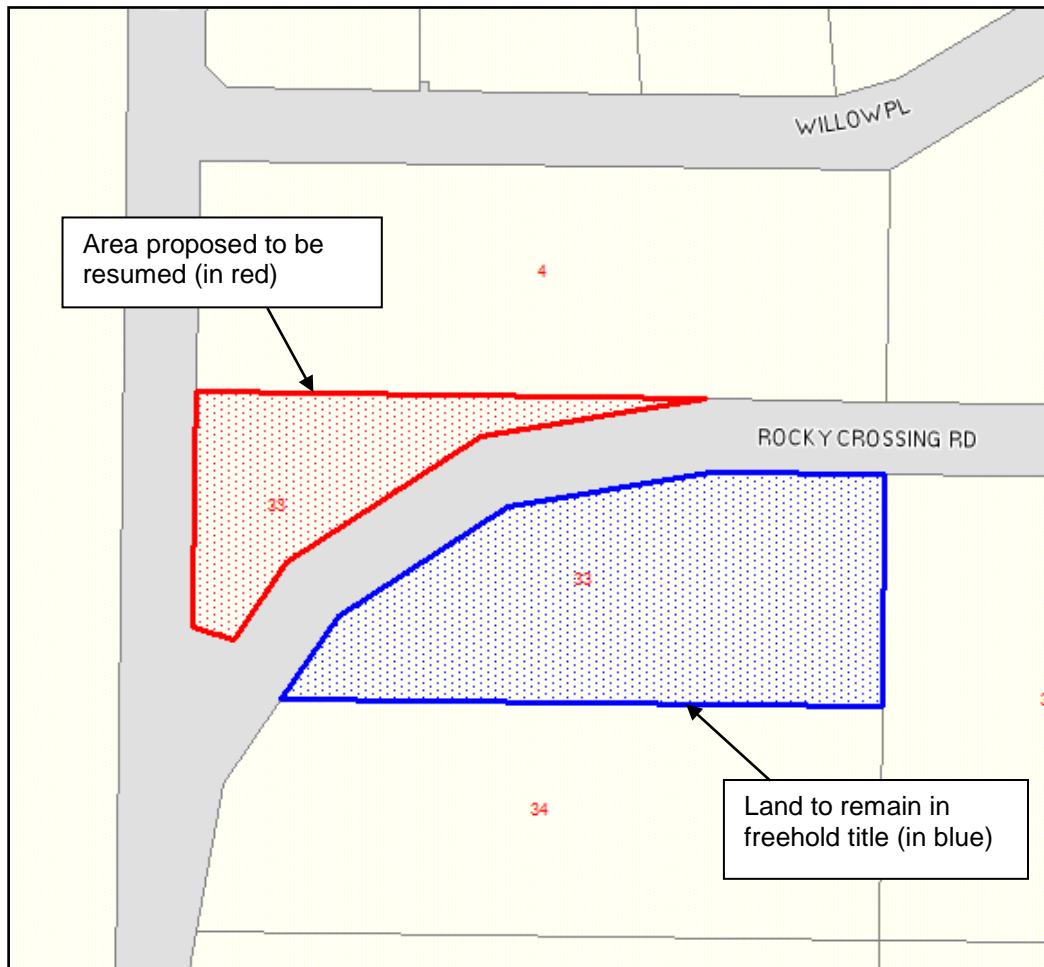
32. The Council has previously resolved to provide a legal constructed road access to 17 Wheeldon Road through the unallocated Crown Land at Lot 2 Hunton Road and as an alternative to the existing informal access track through the Kalgan Settler's Association Reserve 22325. This proposal was not referred to the South West Aboriginal Land and Sea Council for comment until after Council's resolution and the Department for Regional Development and Lands advised of the requirement to do so. It is now the City's process to refer all proposals on Crown Land to the South West Aboriginal Land and Sea Council for comment. It cannot be determined why this process was not followed previously, as other officers were responsible.
33. In view of the significant objections received to the use of Lot 2 Hunton Road, an alternative access track is proposed to be situated on the existing dedicated road reserve running between Wheeldon Road and Hunton Road. Council's support of the proposed route is sought on this basis. Approval to use this land and construct the access track has been sought from the Minister for Indigenous Affairs and Council will be advised of the outcomes of this process as soon as it becomes available.

<b>Consulted References</b>	:	Land Administration Act 1997 Aboriginal Heritage Act 1972 Native Title Act 1993
<b>File Number (Name of Ward)</b>	:	RD.ACQ.1; DES186
<b>Previous Reference</b>	:	OCM 21/09/2010 Item 3.1

**4.5: PROPOSED RESUMPTION OF PORTION OF LOT 33 NO 100 ROCKY CROSSING ROAD, WARRENUP FOR DRAINAGE PURPOSES**

**Land Description** : Lot 33 No 100 Rocky Crossing Road, Warrenup  
**Proponent** : City of Albany  
**Owner** : Mrs Ada Mol  
**Responsible Officer(s)** : Acting Executive Director Corporate Services (Pamela Wignall)

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider the resumption of a 3444m<sup>2</sup> portion of Lot 33 No 100 Rocky Crossing Road, Warrenup to allow the creation of a drainage reserve. This action is in lieu of undertaking remediation works on this currently privately owned land (to rectify previous works undertaken by City staff in the 2005 flood event, which has impacted on the useability and saleability of this private lot).

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**4.5: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- i) **SUPPORTS** the Taking by Agreement, under section 168 of the *Land Administration Act 1997*, of a 3444m<sup>2</sup> portion of land from Lot 33 No 100 Rocky Crossing Road, Warrenup, situated on the north-west boundary of Rocky Crossing Road, for drainage purposes.
- ii) **SEEKS** approval under Section 168 of the *Planning & Development Act 2005* to resume the 3444m<sup>2</sup> portion of land to be taken from Lot 33 No 100 Rocky Crossing Road, Warrenup as a drainage reserve, through the lodgement of a subdivision application; and
- iii) **REQUESTS** that, under section 41 of the *Land Administration Act 1997*, the Minister for Lands reserves the 3444m<sup>2</sup> portion of land currently contained in Lot 33 No 100 Rocky Crossing Road, Warrenup for drainage purposes and that, pursuant to section 46 of the *Land Administration Act 1997*, the Management Order for this land be granted to the City of Albany.

**BACKGROUND**

1. In May 2011 and with the support of the relevant Ward Councillor, the City received a letter of complaint from the owner of Lot 33 No 100 Rocky Crossing Road, Warrenup. This letter advised:
  - a. There is a stormwater culvert that passes underneath Rocky Crossing Road between the two portions of her lot (which spans on either side of this road) and this culvert drains a large surrounding catchment area;
  - b. The stormwater previously drained overland into Lot 4 No 115 Rocky Crossing Road, however after the 2005 flooding event, complaints were raised by the owner of Lot 4 No 115 Rocky Crossing Road. The City then cut a swale through the north-west portion of Lot 33 No 100 Rocky Crossing Road;
  - c. This swale channels water through the privately owned property and to the piped drainage system along Neilson Road, which then drains into the creek line at the bottom of the valley;
  - d. These drainage works are making it difficult to sell this property as a useable space and have devalued the land; and
  - e. There is also a Western Power high voltage power line running across the same north-west portion of Lot 33 No 100 Rocky Crossing Road, which also devalues the land.
2. The owner requested that the Council considered resuming the portion of her property that was used for drainage purposes or restitute it so any drainage impacts are “pre-2005” condition.

**\*\*REFER DISCLAIMER\*\***

3. It is noted that there are no written records of the Works & Services' work having been undertaken on Lot 33 No 100 Rocky Crossing Road, although long servicing staff are aware of the work being undertaken. A flood damage assessment report was commissioned following the 2005 flooding event and this document (prepared by Opus in April 2005) does note damage has occurred to Lot 4 No 115 Rocky Crossing Road. The report states that the stormwater run-off from Rocky Crossing Road has washed out the residents' driveway and while this damage was repaired, a way to divert the water away from Lot 4 No 115 Rocky Crossing Road should be investigated. The Works & Services solution to this recommendation was to cut a waterway swale through the north-east portion of Lot 33 No 100 Rocky Crossing Road.

## **DISCUSSION**

4. City officers have investigated the portion of land proposed to be resumed and considered the works that will be required to remediate the land to its pre-2005 condition. A swale has been cut through the middle of the 3444m<sup>2</sup> portion of land. Remediation works will include levelling and filling the affected land and piping the existing overland drainage to Neilson Road. It is estimated that these works will cost approximately \$37,000. This is a very preliminary estimate without detailed design and additional works may be required once the detailed design is completed.
5. Following the initial contact from the affected landowner, a valuation was sought to determine the compensation that might be payable to resume the land. The land was valued at \$130,000, as it was considered that if the land was subdivided (because it is already divided by Rocky Crossing Road), the 3444m<sup>2</sup> portion could be developed as a single house lot.
6. Despite the valuation, the owner of the property has offered the land to Council for an amount of \$30,000. The owner has been provided a copy of the valuation and encouraged to seek independent professional advice. The owner has sought appropriate advice from her solicitor and real estate agent and has advised that she is still prepared to accept \$30,000 as compensation for the land.
7. The landowner has now entered into a Consent to Taking by Agreement, as required under the provisions of the *Land Administration Act 1997*, which provides written agreement to the compensation amount of \$30,000.
8. The proposed land resumption will cost approximately \$37,000 in total, providing for the compensation payable and all costs and fees associated with the creation of new titles (i.e. survey charges, creation of plans, Landgate fees, settlement etc).
9. Given the value of compensation the owner has agreed to, compared to the estimate for remediation works, it is considered cost effective over the long term for the City to resume the land for drainage purposes and the land will continue to be used as an overland drainage route. In this circumstance, remediation works would not be required at this time.

## **GOVERNMENT CONSULTATION**

10. The City has discussed this matter with the Department for Regional Development and Lands to determine if there is anything in legislation that would influence the amount of compensation payable for land. This Department has advised that this is an agreement between the local authority and the affected landowner/s and there are no provisions stating that a certain level of compensation is payable when a land resumption occurs.
11. No consultation with other government agencies has occurred on this matter as yet. Should Council approve the resumption, the subdivision application (which is the process used to resume the land into Crown land title) will require that the Western Australian Planning Commission refers the proposal to all the relevant servicing and government agencies for comment.

## **PUBLIC CONSULTATION / ENGAGEMENT**

12. There is no requirement under the provisions of the *Land Administration Act 1997* to advertise this matter for public comment. All engagement with the affected landowner has been kept confidential during the negotiation phase of the land resumption process, as is appropriate. No other landowners are considered to be impacted by the proposed land resumption.

## **STATUTORY IMPLICATIONS**

13. Section 41 of the *Land Administration Act 1997* allows the Minister for Lands to reserve Crown Land to the Crown for one or more purposes in the public interest.
14. Section 46 of the *Land Administration Act 1997* allows the Minister for Lands to place the care, control and management of a reserve in a person or management body, subject to any conditions the Minister may specify.
15. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation.
16. Section 220 of the *Land Administration Act 1997* states that the compensation payable to the claimant may be determined by agreement between the acquiring authority and the claimant.



**STRATEGIC IMPLICATIONS**

17. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

**Key Focus Area**

*Organisational Performance*

**Community Priority**

*Policy and Procedures*

**Proposed Strategies**

*Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

**POLICY IMPLICATIONS**

18. There are no policy implications relevant to this item.

**RISK IDENTIFICATION & MITIGATION**

19. The risk identification and categorisation relies on the City’s Risk Management Framework

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
If Council does not support proposal to resume land, remediation works are required to be undertaken.	Possible	Moderate – cost of remediation works may be higher than the cost of resuming the land	Medium	Support the proposal to resume the land as a drainage reserve.

**FINANCIAL IMPLICATIONS**

20. The proposed land resumption will cost approximately \$37,000 in total, providing for the compensation payable and all costs and fees associated with the creation of new titles (i.e. survey charges, creation of plans, Landgate fees, settlement etc). The City will pay all “settlement” fees. These costs can be accommodated in the land acquisition line item in the 2011/12 budget and will be addressed in the Q3 review.
21. It is estimated that the costs of remediating the property to its pre-2005 condition will be \$37,000, however this is a preliminary estimate only and additional works may be required once detailed design is complete.

**LEGAL IMPLICATIONS**

22. The resumption of land from Lot 33 No 100 Rocky Crossing Road will legitimise the current use of the north-western portion of this property as an overland stormwater drainage route.

**ALTERNATE OPTIONS**

23. Given that it is believed to be the works undertaken by the City that has caused damage to this land, it is not considered that the City has any alternative than to address the concerns of this landowner in some way. The two options for addressing this matter are:
- a. Undertake remediation works on this land and install a new drainage system to Neilson Road; or
  - b. Resume the land as a drainage reserve and allow it to continue to be used as an overland stormwater drainage route.

**SUMMARY CONCLUSION**

24. The proposed land resumption and creation of drainage reserve will better reflect the current use of the land as an overland stormwater drainage route. Given the owner's consent to the resumption for a compensation amount that is likely to be no more than the cost of remediation works, it is considered to be in the City's best interests to take this land for drainage purposes.

<b>Consulted References</b>	:	Land Administration Act 1997 Planning and Development Act 2005
<b>File Number (Name of Ward)</b>	:	A37122
<b>Previous Reference</b>	:	No previous references

**XIV. MOTIONS WITH NOTICE**

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**

**15.1: NOTICE OF MOTION BY COUNCILLOR CALLEJA-TO REVOKE PREVIOUS DECISION OF COUNCIL**

**NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL**

In accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Report Item 4.8 – Albany Entertainment Centre (AEC) Committee Meeting Minutes, which was moved at the Ordinary Council Meeting held on 19 October 2010, be revoked.

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**ITEM 15.1: REVOCATION MOTION BY COUNCILLOR CALLEJA  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Motion resolved at Report Item 4.8 – Albany Entertainment Centre (AEC) Committee Meeting Minutes – dated 19 October 2010 as follows:**

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

**Be REVOKED.**

**Reason:**

This resolution does not reflect the Albany Entertainment Centre and the City's management practices regarding Town Hall bookings.

Town Hall management is solely the responsibility of the City. The City and AEC have a collaborative relationship and the above resolution is now outdated.

**Officer's Comment (CEO F James):**

The intent behind the original resolution of Council was to work collaboratively with the Albany Entertainment Centre management, to ensure Town Hall bookings did not unreasonably "compete" between the two sites, but rather that the two sites complement each other in bookings.

The City currently manages Town Hall bookings with no referral to Albany Entertainment Centre. With the employment of a Manager for Cultural and Community Development, the City can now work towards maximising opportunities for the Town Hall

Now that basic maintenance and repairs are under way, the Town Hall will hopefully start to be increasingly used for events which are appropriate for its seating numbers. City of Albany staff have had conversations with some entities regarding possible upcoming performances.

City of Albany staff continue to have a good working relationship with the Albany Entertainment Centre in discussing performing arts options for both venues. The Albany Entertainment Centre Committee (which Councillors Sarah Bowles and Vince Calleja are members) is very keen to see a vibrant performing arts community across the town, and acknowledge that the Albany Entertainment Centre should not be the only venue to make that happen.

At the AEC Advisory Committee meeting held Friday 10 February 2012, the committee and AEG Ogden agreed that the original Council resolution is now outdated, and that they had no objection to it being rescinded.

**ITEM 18.1: MOTION BY COUNCILLOR CALLEJA**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council note that the City of Albany is currently, and will continue to be, with the agreement and consent of the Albany Entertainment Centre Advisory Committee, solely responsible for the management of the Town Hall, including venue bookings.**

**XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING**

**16.1: MOTION TO REVOKE PREVIOUS DECISION OF COUNCIL BY MAYOR WELLINGTON**

**NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL**

In accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Report Item 16.3 – Albany Regional Airport-Fee for Provision of Security Services, which was moved at the Ordinary Council Meeting held on 21 February 2012, be revoked.

Name\_\_\_\_\_ Signature\_\_\_\_\_ Date\_\_\_\_\_

Name\_\_\_\_\_ Signature\_\_\_\_\_ Date\_\_\_\_\_

Name\_\_\_\_\_ Signature\_\_\_\_\_ Date\_\_\_\_\_

Name\_\_\_\_\_ Signature\_\_\_\_\_ Date\_\_\_\_\_

Name\_\_\_\_\_ Signature\_\_\_\_\_ Date\_\_\_\_\_

**ITEM 16.1: MOTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Item 16.1 be ACCEPTED as an urgent item to be dealt with at this meeting.**

**ITEM 16.1: REVOCATION MOTION BY MAYOR WELLINGTON  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT the Motion resolved at Report Item 16.3 – Albany Regional Airport-Fee for Provision of Security Services, dated 21 February 2012,as follows:**

**THAT Council:**

- 1. APPROVE the fee of an additional \$20 on each arriving and departing ticket from 1 July 2012 (determined on information in Confidential Attachment One) for provision of security screening services at the Albany Airport.**
- 2. DIRECT the Chief Executive Officer to make submissions to the Department of Transport regarding Council’s deliberation and determination of the ticketing fee, and seek the Department’s approval of the Council approved fee.**

**Be REVOKED.**

**ITEM 16.1: MOTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council APPROVE the fee of an additional \$20 on each arriving and departing passenger from 1 July 2012 for provision of services at the Albany Airport.**

**16.2: CONTRACT C11022 – CONSTRUCTION OF CONCRETE KERBING**

**ITEM 16.2: MOTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Item 16.2-Contract C11022-Construction of Concrete Kerbing-be ACCEPTED as an urgent item.**

**Proponent** : City of Albany  
**Owner** : City of Albany  
**Responsible Officer(s)** : Acting Director Works & Services (S Grimmer)

**IN BRIEF**

- Contract C11022 – Construction of Concrete Kerbing be AWARDED to Gordon Walmsley Pty Ltd for the period up to 30 June 2013, following which period the contract will be retendered.

**RECOMMENDATION**

**ITEM 16.2 RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

**ACCEPT the Tender from Gordon Walmsley Pty Ltd and award contract C11022 for the construction of concrete kerbing for a period up to 30 June 2013, following which period the contract will be retendered.**

**BACKGROUND**

1. Due to an expiry of the current construction of concrete kerbing contract, tenders were called for the provision of concrete kerbing for a period up to 30 June 2013. The tender is for the supply and placement of concrete kerbing on roads within the City of Albany.

**DISCUSSION**

2. A total of three tender documents were downloaded from the City of Albany website.
3. One completed tender document was submitted on/before the stipulated closing date and time. The following table summarises the tenderer and overall evaluation score applicable to the submission.

<b>Tenderer</b>	<b>Total Evaluation Score</b>
Gordon Walmsley Pty Ltd	872.50

**CEO:** \_\_\_\_\_ **RESPONSIBLE OFFICER:** \_\_\_\_\_

4. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

<b>Criteria</b>	<b>% Weight</b>
Cost	55
Technical Compliance and Experience	15
Reliability	15
Quality Accreditation	15
<b>Total</b>	<b>100</b>

5. Gordon Walmsley Pty Ltd has been a previous contractor for the City of Albany and has proved a reliable local operator.
6. On the basis of the total evaluation score which considers cost, technical compliance and experience, reliability and quality Gordon Walmsley Pty Ltd is considered a suitable company.

#### **GOVERNMENT CONSULTATION**

7. Nil.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

8. A request for tenders was published in the West Australian on 18 January 2012 and the Great Southern Weekender on 19 January 2012.

#### **STATUTORY IMPLICATIONS**

9. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.
10. Regulation 18 of the Regulations 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.
11. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.



## STRATEGIC IMPLICATIONS

12. This item directly relates to the following elements of the 2011 City of Albany Strategic Plan:

**Key Focus Area**

*Lifestyle and Environment*

**Community Priority**

*A built environment for active lifestyles*

*And*

**Key Focus Area**

*Lifestyle and Environment*

**Community Priority**

*Road improvements*

## POLICY IMPLICATIONS

13. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

## RISK IDENTIFICATION & MITIGATION

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Non compliance with contract or business failure	Unlikely	Medium	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods & services

## FINANCIAL IMPLICATIONS

15. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.
16. The cost per job will be included in the specific budget line item.

## LEGAL IMPLICATIONS

17. Nil.

**ALTERNATE OPTIONS**

18. Council can accept or reject the tenders as submitted.

**SUMMARY CONCLUSION**

19. On reviewing the one submission, the evaluation team assessed Gordon Walmsley Pty Ltd as being a suitable tenderer across the evaluation criteria in terms of cost, technical compliance and experience, reliability and quality. Gordon Walmsley Pty Ltd is recommended to be awarded the construction of concrete kerbing contract.

<b>Consulted References</b>	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	C11022
<b>Previous Reference</b>	

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

Nil

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

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

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 17 April 2012.

**XXI. CLOSURE OF MEETING**

**ITEM 21.0: MOTION**

**THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.**

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

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING. - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.</b>
17/05/2011	3.1	Albany Leisure and Aquatic Centre. That the Business Plan be Brought back to Council for the Approval of the Recommendation. <b>PENDING COMPLETION OF BUSINESS PLAN TO BE PRESENTED TO FUTURE OCM.</b>