



MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 20th May 2008
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____


Andrew Hammond
Chief Executive Officer

Date: 22nd May 2008

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1.0 DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

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

Mayor -
Councillors -

MJ Evans, JP
JM Walker
DR Wiseman
DM Price
RC Buegge
R Paver
EK Stanton
DJ Wolfe
NE Williams
J Matla
GA Kidman
CA Morris

Chief Executive Officer
Acting Executive Director Works & Services
Executive Director Development Services
Executive Director Corporate & Community Services
Minute Secretary
Training Occupation Health & Safety Coordinator
Approximately 35 members of the public were in attendance.
2 media representatives.

A Hammond
P Brown
R Fenn
WP Madigan
S Jamieson
F Paech

Apologies/Leave of Absence:
Councillor

J Bostock

3.0 OPENING PRAYER

Mayor Evans asked all in attendance to be upstanding and read the opening prayer.

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

***Ms Vera Torr**

At the Ordinary Meeting of Council held on 15th April 2008, you submitted an email to the Ordinary Council Meeting, raising a number of questions that were taken on notice during public question time.

Question One. Please advise the details of properties held or managed by City of Albany that have been bought and/or sold since commencement of 2004 and the purpose of those sales i.e. ALAC Waterfront etc.

- a. Crown Land Reserve and Unclaimed;
- b. Freehold;
- c. Bought; and
- d. Sold.

Response:

MASTERPLAN FUNDING		
Record of City of Albany - Property Transactions		
SOLD		
Details	Sale Value (Ex GST)	FY
11-23 Vancouver Street		04/05
106 Regent Street		
Lot 41 North Road		
Lot 42 North Road		
Lot 43 North Road		
Lot 44 North Road		
47-55 Cockburn Road		
29-31 Cockburn Road		
Lot 14 Kitson Street		
Lot 15 Roundhay Street		
21 Kitson Street		
Lot 16 Kitson & Roundhay Street		
Lot 22 Kitson Street		
Total	\$1,370,553	
Details	Sale Value (Ex GST)	FY
Roundhay St (20% of sale) with DLI		05/06
Total	\$52,201	

Item 4.0 continued

Details	Sale Value (Ex GST)	FY
66-70 Carbine Street, Orana		06/07
54 Katoomba Street, Orana		
38 Katoomba Street, Orana		
Total	\$620,000	
Details	Sale Value (Ex GST)	FY
57 Minor Road, Orana		07/08
70 McKail Street, Orana		
69 Minor Road, Orana		
55 Minor Road, Orana		
51 Minor Road, Orana		
49 Minor Road, Orana		
Total	\$1,081,513	
PROPERTY PURCHASE		
Details	Valuation	FY
4 Whidby Street, Albany (Drainage Purposes)	\$343,250	07/08

Question Two. Also Crown Land or State Government owned land that was freehold or been converted to freehold and sold or is to be sold.

Response: None by the City of Albany.

*** Mr Warren Marshall**

At the Ordinary Meeting of Council held on 15th April 2008, you raised a number of questions during the public question time, and these were taken on notice.

The following responses have been prepared in relation to the questions raised:

Q1 - AUDIT RESPONSIBILITY / FEES

Increase in auditing fees

Lincolns Accountant's four year appointment as City of Albany Auditor was made by Council in November 2006, based on a competitive tendering process. The fees under that tender were based on existing conditions and legal requirements, but provided for amendment where statutory requirements changed. The Force of Law Audit Standards require considerable additional work on the part of the auditors, which entitled them to amend their rates. The imposition of the new standards has resulted in additional rigour in audit procedures and is therefore to be welcomed.

Item 4.0 continued

Audit advice on Grange Securities

Lincolns Accountant's were not consulted prior to the decision to use Grange Securities, nor were they requested to provide an opinion on the future value of the securities. The main role of the auditors was to ensure that the possible downgrade in the value of the securities was reported correctly in the annual accounts. As the initial market value reductions occurred in July 2007, (the 07/08 financial year), reporting in the 06/07 annual accounts was restricted to a note on subsequent events. Subsequent independent advice has been sought and received from another organisation, who have confirmed the decision to hold the investments pending a market improvement or intervention in the global market by governments or reserve banks.

Q2 - LEGAL ACTION AGAINST LEHMAN (AUSTRALIA)

The Finance Strategy Advisory Committee will consider legal alternatives relating to the Federation security (the only investment with direct sub prime exposure) at its 30th April Meeting. Council will make its decision at the May meeting.

Q3 - CONTRACT

As noted previously, Lincoln's have been appointed for a term expiring with the financial year 2009/10.

Q4 - Prayer

Following your question, the Mayor requested Cllr Stanton to read the prayer.

***Mrs B McAllister**

In response to the questions you raised at the Council meeting on the 15th April 2008, I would like to make the following comments:

ISSUE 1:

1. *How is the Albany City showing leadership in setting an example by in-house energy conservation (eg. by not leaving computers on in the office overnight and over weekends on standby)?*

Legitimate energy savings can only be achieved where there is a change in the working practices and the culture of the entire workforce. The City has successfully implemented waste recycling programs within its administration building and will continue programs aimed at changing the way its workforce does business. The advantages of reducing energy within the City's administration building have been communicated to staff, together with ways in which savings can be made. Individual computers at work stations are shut down and employees are encouraged to also turn off computer screens; the City's main servers are on-call 24/7 and they are only shut down for maintenance.

2. *What is the City's policy regarding requiring new residential, commercial and industry development to incorporate energy saving technology?*

The City does not have a policy requiring the installation of energy saving technology on individual projects, nor does most local authorities throughout Australia. I recently returned from a National Conference, featuring prominent International and Australian speakers, where the advantages and pitfalls associated with the implementation of building regulation to achieve energy efficiency was discussed alongside the issues of housing affordability. Needless to say, the capacity to house people in a sustainable manner is a topical issue.

3. *More importantly, what policy does the City have for new developments, residential, commercial and industrial, requiring building design which reduces energy requirements?*

The City of Albany, together with every other local authority in Western Australia, requires all new buildings (excluding domestic sheds) to meet the energy efficiency requirements of the Building Code of Australia. Those requirements were introduced universally by the State Government to reduce the heating and cooling requirements of buildings.

Item 4.0 continued

4. *How does the design of the enormous commercial building being constructed between Albany Highway and Stead Road measure up?*

This building meets the requirements of the Building Code and, per square metre, is likely to be more energy efficient than a residential building. The thermal mass of the walls, together with the insulation of roof spaces, hours of use and lighting requirements reduces the energy requirements of these buildings.

5. *Is the City willing to encourage and educate the community to get into the habit of conserving energy, bearing in mind the considerable financial savings to be made?*

The Federal Government has announced that it intends to cut greenhouse gas emissions in Australia to 60% of the 1990 output by the year 2050. To achieve that target, there will be a number of measures introduced at federal, state and local level to reduce energy consumption per capita. Community education is a whole of government and community matter and whilst the City will have a role to play, it does not see itself as the primary or the sole advocate for societal change.

ISSUE 2:

1. *Has the City a policy regarding the protection of trees and bush on private property?*

The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* clearly identify the approval requirements for the clearing of vegetation on private property. The City has no independent policy on the protection of trees and bushes, other than for Special Rural and Conservation zoned land in Town Planning Scheme 3.

2. *Has the City advertised for a replacement Environmental Officer, and if so is the salary offered sufficient to attract a top person, and will the City fully support such a person, uncomfortable as it may sometimes be?*

Yes the City has advertised for an Environmental Officer (Bush and Coastal). The salary being offered by the City is competitive in the marketplace. The City provides high levels of delegation and support for staff to perform their duties.

5.0 PUBLIC QUESTION TIME

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

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

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

The Mayor reiterated that the Statements were to be taken first followed by Questions.

Item 5.0 continued

*** Ms Emily Elsasser, Collingwood Park**

Ms Elsasser appealed to Council to support the installation of CCTV cameras. The following details Ms Elsasser's address to Council:

CCTV

Councilors! One step forward..... and two steps back? Sound familiar in this room?

The government has offered you - free – no strings attached – the opportunity to support the funding that will provide and install CCTV on City of Albany infrastructure – a proponent that will help to identify criminals, and will deter the further occurrence of personal and property crime in our CBD. Out here in the community it appears to be that YOU WANTED IT a few months ago and now – you turn around and it's – Oh no we don't want to be in it now!!!

You have let yourselves be influenced by those who insist on pointing the finger of blame at various community organisations, government agencies, the Police department, and even yourselves as Councilors! Blame for what? Do you know? I don't. Incorrect procedure?, stealing the limelight?, not having put forward a recommendation at the right time?, disregarding the motion?, what motion?. By listening to endless debate which goes on and on it gets confusing and misleading to say the least. Eventually you miss the point!!!

The point is

THE SAFETY AND WELLBEING OF THE COMMUNITY which every one of you have referred to in your profiles. As Councilors you have no doubt also made an oath of commitment of some sort at the beginning of your term to strive towards achieving a state of safety and wellbeing within the community.

The purpose of recording photographic images with a closed circuit television system will NOT give rise to 'corruption'. It cannot be used for the purposes of 'spying on' or 'taking away peoples' privacy'. It is in fact to have at hand when called upon, an accurate visual record of a criminal event, and to use that record to exact justice within the court system so that the 'APPREHENSION AND PUNISHMENT OF CRIMINALS" by "THE STATE GOVERNMENT" can happen. Where as at present, without the assistance of CCTV recordings we see the perpetrators of crime going unidentified, ^{or when they} ~~and in the~~ Court having every opportunity to lie and manipulate the facts.

Item 5.0 continued

Please rethink your stance on this invaluable tool in fighting crime. You have the full committed support of the community, businesses, the ACCI and the Police.

I also note that quite recently the City of Albany suffered some damage to one of its car parking areas to the tune of a couple of thousand dollars. It is also reported that the offenders are currently being processed in the Court, their actions and identities having been photographically recorded, and that this recording is being used to prosecute them.

Mayor Response: No decision has been made by Council on CCTV cameras. Council is committed to work with the community to progress a Crime Prevention strategy and look at all options.

***Mr Michael Pemberton,**

Mr Pemberton addressed Council in regards to the installation of CCTV cameras.

Mr Pemberton commended the Council on its cautious approach to the installation of CCTV. Mr Pemberton quoted recent media articles that sighted the ineffectiveness of CCTV as a crime deterrent and a recent Gold Coast report that praised the installation of increased lighting in identified crime "Hot Spots" as a proven deterrent.

In closing Mr Pemberton stated that any measures that result from the Crime Prevention Strategy be reviewed 3 to 6 months after inception.

The Mayor thanked Mr Pemberton for his statement.

***Mr Neil Smithson, Smithson Planning, 364 Middleton Loop, Albany**

Mr Smithson addressed Council in regards to Albany's UNESCO World Heritage Nomination. The following details Mr Smithson's address to Council:

Thank you Mister Mayor / Councillors

Further to my comments to Council in June, July, August, October, November and December 2007, and January 2008, I would like to express my thanks to all those who chose to express their support for Albany's nomination.

I can now advise that Senator the Hon. Ruth Webber (Labor WA) did pose Question #284 with notice on 13 February 2008, and that as recorded in Hansard on 13 May 2008, Senator the Hon. Penny Wong (Labor SA) representing the Hon. Peter Garrett MHR, Minister for Environment & Heritage did respond as follows :

Senator Ruth Webber (Western Australia) asked the Minister representing (Senator the Hon. Penny Wong) the Minister for the Environment, Heritage and the Arts (the Hon. Peter Garrett MHR), upon notice, on 13 February 2008 :

With reference to the World Heritage nomination of Albany Old Gaol / Amity Heritage Precinct:

- (1) Who were the consultants that prepared the nomination for the former Government.

Item 5.0 continued

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

Senator Penny Wong (South Australia – Minister for Climate Change and Water) — The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) The nomination was prepared by the Department of the Environment, Water, Heritage and Arts. The nomination was overseen by the Convict Nomination Steering Committee which comprised nominees of the relevant state and territory ministers, including the Western Australian Minister. In preparing the nomination, the Department and the Convict Nomination Steering Committee drew on the expertise of over twenty experts in Australia and overseas.
- (2) Albany Old Gaol / Amity Heritage Precinct was not identified in any expert reports as a possible convict site for inclusion in the nomination. A report prepared by Dr Pearson and Mr Marshall in 1995 listed Albany Residency, which is part of the Albany Old Gaol / Amity Heritage Precinct, as one of several hundred significant convict sites around Australia but did not recommend its inclusion in the World Heritage nomination.
- (3) While Albany Old Gaol / Amity Heritage Precinct is one of many important convict sites around Australia, it would not meet the rigorous technical requirements of a World Heritage place. In particular, a World Heritage place must 'demonstrate that it is so exceptional as to transcend national boundaries and to be of common importance for present and future generations for all humanity'. The Convict Nomination Steering Committee and Australian and international experts, in the context of the nomination, did not assess Albany Old Gaol / Amity Heritage Precinct to be one of Australia's outstanding examples of the forced migration of convicts or of global developments in the punishment of crime during the 19th century.
- (4) The Western Australian Department of Housing and Works was represented on the Convict Nomination Steering Committee. The Western Australian Minister for Housing and Works, the Hon Michelle Roberts MLA, endorsed the eleven nominated sites in 2006 and supported the submission of the nomination in 2007. Community consultations for the nomination, which were arranged by the Western Australian Government, were conducted at Fremantle in May 2007. The City of Albany did not attend these consultations and has not made any representations to me or, to my department's knowledge, any former ministers about the Albany Old Gaol / Amity Heritage Precinct.

Item 5.0 continued

(5) Albany Old Gaol / Amity Heritage Precinct will not be included in the Australian Convict Sites World Heritage nomination as it does not meet UNESCO's technical requirements for World Heritage places.”

Senator Penny Wong (South Australia), Commonwealth of Australia Extract Hansard, 13 May 2008

This information is available at the Smithson Planning website, and the following footnote has been added.

Following up – While clearly a lot of Western Australian's would disagree, the outcome that the Commonwealth of Australia does not support including Albany's Old Gaol as an addendum to the World Heritage nomination was to be expected. The practical outcome of that decision is that the future of the Amity Heritage Precinct is an entirely Australian affair for consideration under Commonwealth, National, State and Local heritage registers in the lead-up to Albany Anzac 2014-18 and Albany Bicentennial 2026-27.

I look forward with interest to the next and ensuing State Elections, and the respective positions of parties / candidates for the seats of Albany / South-West relative to future heritage register nominations.

Yours faithfully
SMITHSON PLANNING

The Mayor thanked Mr Smithson for his statement.

***Mr Tony Harrison, Gordon Street, Little Grove**

Mr Harrison addressed Council in regards to the Strategic Plan. The following details Mr Harrison's submitted address to Council:

TONY HARRISON,
34 GORDON ST
LITTLE GROVE.

Dear Mayor, Council and Councillors.

Having just read the Albany Local Planning Strategy, I wish to make comment on that document. This document is spot on in all sections. If it all goes through Albany will truly be the place to live in. What worries me is that all of this will be introduced over the next 20 years. Sections of this document will come into effect from 2010 to 2015.

Right at this very moment the City of Albany is guilty of doing exactly the opposite to what this strategy is all about.

Albany's Heritage is at risk - we have already seen issues there. The Environment is low on the priority list for this Council. Around town our Parks and Gardens are expertly created and maintained. Beyond them our remnant bush and vegetation and Coastal scrub are a dying breed and so is our Wildlife.

Therefore I'm putting this in writing to the City of Albany, that the City Councillors urgently vote for a Moratorium on anymore clearing of Council land and stop selling of land that has trees of significance in that area. There are other issues that you are contracting in this A.L.P.S. certain issues need protecting now.

Yours Sincerely
Tony Harrison

20-5-08

During Mr Harrison's address he made a derogatory remark towards the Executive Director Development Services. The Mayor warned Mr Harrison that his comment could breach the Code of Conduct and that he should refrain from making such comments.

Item 5.0 continued

***Mr Dean Wauters, Wauters Enterprises**

Mr Wauters addressed Council in support of his proposal detailed in Item 13.5.1 – Request to Lease Land – North Road Sporting Complex – Reserve 18552 Barker Street Centennial Park.

Mr Wauters appealed to Council to look favourable on the request and reiterated that his company would:

- a. Ensure the subject site would be clean up prior to use;
- b. Improve the drainage;
- c. Improve the street appeal of the subject site by building a fence to screen the storage of building material that is proposed to be stored on the site; and
- d. Ensure the site is cleaned at the completion of the lease period.

The Mayor thanked Mr Wauters for this statement.

***Mr Peter Boshell, 27 Morgan Place, Albany**

Mr Boshell addressed Council in regards to Item 11.3.5 – Final Adoption of Scheme Amendment – Lot 48 Morgan Place, Lot 49 Morgan road and Lots 47,50 & 51 Lancaster Road McKail. The following details Mr Boshell's submitted address:

Mayor Evans and Councillors, we as a group of rate payers of Morgan Place Albany have some concerns about the Proposal for rezoning of the lots on Morgan Place, Morgan Road and Lancaster Road.

Our concerns are:

- Morgan Place road reserve should be left as a natural buffer.
- We feel this should be addressed as an issue now, as it may be too late once this land has been amalgamated with the developers proposed subdivision. Without a natural bush buffer, dust and noise will be a major issue and householders may seek some sort of compensation, whereas leaving a natural buffer would lessen these problems.
- We also have concerns about the proposed two entry/exit roads onto Morgan Place. Council have noted in the Agenda attachment – traffic management and safety perspective have been taken into account when a decision is made about entry/exit roads onto Morgan Place.
- Traffic from entry/exit roads on Morgan Place will all end up on Lancaster Road anyway and we would hope for a compromise that 1 entry/exit road be on Lancaster Road This would distribute the traffic more evenly, and would reduce the impact onto Morgan Place.
- Are there any future plans for upgrading of Morgan Road available for viewing?
- Council has noted our concerns about further upgrading of Morgan Place as not relevant, but previously damage to our homes was extensive and we feel it is relevant and needs to be seriously taken into account when making a decision about rezoning.
- We also have concerns that an increase of approximately 1100 car movements per day onto Morgan Place, which is essentially a country lane, is very excessive.
- Councillors, we as residents of Morgan Place ask that you consider this item after councillors have been given an opportunity to have a site visit, as this will hopefully give you an opportunity to see the concerns of the residents of Morgan Place. We are not against the development of the area, we welcome it, but we wish for our concerns to be considered.

Thank you.

The Mayor thanked Boshell for his statement.

Item 5.0 continued

*** Ms Juliet Albany, 54 Duke St Albany**

Ms Albany addressed Council in relation to the Opening Prayer. She reiterated her previous statement submitted at the 15 April 08, Ordinary Council Meeting, and appealed to Council to consider the objective statements from the Local Government Act to be substituted for the opening prayer.

Councillor Buegge left the Chamber at 7.30 pm

Ms Albany requested that a notice board listing Council Meeting times and dates and Committee meeting times be placed in the foyer of the City offices.

The Mayor took this question on notice.

Councillor Buegge returned to the Chamber at 7.32pm

Mayor requested an extension of Public Time. Motion carried by show of hands.

Ms Albany requested that Council reconsider the removal of Lot 3 in the recommendation for Item 11.3.2 – Proposed Town Planning Scheme Policy – Special Residential Area No. 11 Lots 201 & 202 Pony Club Road, Willyung.

The Mayor advised that this matter would be discussed later in the meeting.

Councillor Wiseman left the room at 7.34pm

***Mr Roy Winslow, Harley Survey Group**

Mr Wilson addressed Council in regards to Item 11.3.2 – Proposed Town Planning Scheme Policy – Special Residential Area No. 11 Lots 201 & 202 Pony Club Road, Willyung. The following details Mr Winslow's submitted address:

Questions on Item 11.3.2 of May 2008 Ordinary Meeting Agenda

By Roy Winslow of Harley Survey Group, 116 Serpentine Road, Albany, Planning Consultant on behalf of Elklen Pty Ltd (B & L Down).

Council has before it a recommendation to remove Lot 3 from the proposed Subdivision Guide Plan the subject of Item 11.3.2 of tonight's agenda.

1. Is Council aware that alternatives to removal of Lot 3 exist?

These alternatives include enlarging Lot 3 to increase the building envelope area outside of the effluent disposal exclusion zone. Another alternative is to place a notification on the subdivision guide plan that requires the effluent disposal capability of Lot 3 to be proven up by an environmental scientist prior to subdivision. Both of these alternatives still allow environmental concerns to be appropriately addressed but would not require the drastic action of removing Lot 3 completely.

2. Will Council consider an alternative to removal of Lot 3 given that the proposal relates to a Subdivision Guide Plan only and adequate controls can be put into place to ensure Lot 3 is created only where it is proven that on site effluent disposal is appropriate.

The Mayor took question on notice.

Item 5.0 continued

***Mr Neil Smithson, Smithson Planning, 364 Middleton Loop**

Mr Smithson addressed Council in regards to Albany's Local Planning Strategy & Peak Oil. The following details Mr Smithson's address:

Albany's Local Planning Strategy & Peak Oil

I would like to respond to Tony Harrison's earlier remarks regarding the Albany Local Planning Strategy, and the perceived adequacy of that document to serve this community into the future.

If one examines the ALPS, you will not find the terms Anzac, Bicentennial or Convict Colonial Settlement mentioned anywhere to reflect the European heritage associated with the city and region. Further, you will not find the term Peak Oil relating to the future of energy supply for transport and power generation.

When Patric de Villiers of Urbanizma conducted the Peer Review of the Draft ALPS in May 2007, he indicated at the Consultant's briefing session that Peak Oil was not an issue that should concern the Albany community. Well, I beg to differ, and would suggest that like the South Australian State Legislative Council recently, this council should conduct an audit of oil and gas sensitivity of the market place that is Albany and the Great Southern.

We have all seen what is happening to the price of fuel (ULP and Diesel), and anyone who knows something about energy planning, knows that gas is anticipated to be the next transitional source for road based freight transport. Equally, Albany is highly dependent on road freight activity for domestic, commercial and industrial services as the core of our regional economic development profile.

If there is one thing this Council can do that would benefit the community more than any other action at this time for the next decade and beyond, it would be to lobby State government and harness local industry to develop the critical mass of urban, rural and remote development necessary to warrant extension of the gas pipeline from Bunbury to Albany. A pipeline would deliver a far superior, cheaper and reliable energy source to market than any continued reliance on road freight transport.

Question:

My question Mister Mayor / Councillors is: Will the City of Albany be lobbying State government to provide a forward capital works program that includes extension of the gas pipeline from Bunbury to Albany in the next term of state government?

Councillor Wiseman returned to the Chamber at 7.36pm

Mayor took question on notice.

***Ms Emily Elsasser, Collingwood Park**

Will Council look at amending its Development Approval Policy to stipulate that in the case that natural vegetation requires to be cleared that it is done so at a time closer to the actually development commencement date?

Executive Director Development Services responded that this suggestion will be taken into considerations during the public consultation process when reviewing Planning Strategies and Policy.

***Ms Vera Torr, Sussex St, Albany**

Ms Torr addressed Council on a number of issues. The following details Ms Torr's address:

Ms Torr tabled several photographic montages of the Albany Entertainment Centre and asked if they are a realistic portrayal.

Question One. I table the following photographic montages of the Albany Entertainment Centre. Are they a realistic portrayal?

Question Two. At the last Council meeting my question on notice concerning Crown Land received no response. Will I get a response?

CEO responded through the Mayor that the response is detailed in this Month's Agenda.

Question Three. Who at the City of Albany advised the Department of Planning and Infrastructure of the willingness to relinquish the Management Order over Lot 1512?

Question Four. What is Lot 1512 and Lot 1523 paying for at the Albany Waterfront Development?

Question Five. Why was the Albany Entertainment Centre shifted to the Waterfront.

The Mayor advised that the questions would be taken on notice.

The following details Ms Torr's tabled address that was only read in part:

Statement:

There was no public consultation or awareness made to the people of Albany, by the City of Albany, Department of Planning and Infrastructure or LandCorp of their intention to include the coastal Reserve Lot 1512 held under a Management Order (Vested Land) as a condition of finance linked to the Albany Waterfront Development.

In fact I believe much effort was made to deny this information to the people until such time as the land transfer of Lot 1512 to the Western Australia Land Authority had been advanced to a more formal stage by September 2006.

This is shown by the processes that occurred between 30 May 2005 to the 30 August 2005. The City of Albany and Council proceed down the path of exchanging York Street freehold civic land for freehold land at the Waterfront for the purpose of the Albany Entertainment Centre with no public mention of the Emu Point requirement until Special Meeting of Council 30th August 2005.

Item 5.0 continued

On the 5th July 2005 however, a submission to Cabinet from Department Planning and Infrastructure clearly foreshadows the inclusion of Emu Point Lot 1512 and comments:

- the City of Albany is willing to relinquish the Management Order held over Lot 1512
- acknowledges the purpose of recreation
- that the Emu Point land be transferred to Landcorp for nil consideration
- acknowledges other sources of funding may be required if the development potential of Emu Point is not achieved as:
 - the land is pristine fragile coastal land.
 - a high level of public opposition is expected.
- developed and sold by Landcorp with a portion of the profit allocated to the waterfront development. Residual to the State Government.
- Cost to the GovernmentNil

The profound willingness by the City of Albany is not ratified by Council until Special Meeting of Council held 30 August 2005 some eight weeks after the submission to Cabinet. The Albany Waterfront Development Committee did not have power of delegation. It is unclear who made this decision in July 2005 and with what authority. It was against policies set into the Albany Town Planning Scheme 1A at that date.

Landcorp envisaged 220 blocks from the Emu Point site in 2005. At a cost of \$350,000 per block we as a city gave away a potential \$70 million dollar public asset to fund the Waterfront Development.

In Hansard Alannah MacTiernan says Emu Point is not for the funding of the Entertainment Centre.

What is it funding? If it is to fund the development of fully serviced blocks at the waterfront for the private sector it is at the cost of pristine lands set aside for the purpose of Recreation for the people. This is unconscionable.

The Government has access to other funding facilities to fund the marina and entertainment centre.

So why was the Entertainment Centre relocated to the Waterfront Development in 2005 when commencement of building on the York Street site was imminent.

The statement circulated is because the people wanted it there.

The only evidence offered that the people wanted this re-location to the Waterfront Development Precinct is the pre-election doorknocking of Mr Watson MLA. His statement is his constituents asked him for this. Certainly some may have. But by what assessment did he determine that it was a majority of the people. No survey ever conducted can give credence that the majority of people wanted the Entertainment Centre at the Waterfront.

Item 5.0 continued

In the Business Case Study to Mr Ripper in 2006 the City of Albany states the decision to relocate the Entertainment Centre was made by a strong request from the Government to which the City acceded. In Hansard Minister MacTiernan said the City of Albany asked for the relocation. This may be supported on a technicality but the Government approached the City of Albany first. The Council was briefed on 22 March 2005 by Landcorp and Alannah MacTiernan and passed the motion in May 2005.

It could be said that the re-location was not for best practices but to act as a catalyst to facilitate other needs. The initial concept was to swap City owned freehold land in York Street for freehold land at the Waterfront. Did this then provided the framework to justify freehold of the other precincts. It also gave impetus for the extensive civic works required to give the entertainment centre a fully serviced lot thus providing access to those same facilities for the private development sector who would be loathe to include such a venture into their budget.

Without the entertainment centre at the waterfront the spending of taxpayers money to supply civic works to facilitate the private sector developers at the Waterfront would be frowned upon. The giving up of the Management Order over Lot 1512 by the City of Albany would have no justification. Hansard Questions in Parliament shows that the government never answered any questions tabled regarding the infrastructure needs of the waterfront.

On the 6 September 2005 a Memorandum of Agreement is signed that does not include a requirement for a land transfer of York Street Civic Precinct but does include Emu Point Lot 1512.

The government advertises its' contributions to the Albany Waterfront Development and takes immense credit - but neglects to say that the cost is being billed against the wishes of the people, against all the protective town planning codes at both Emu Point and the Waterfront. The government flaunts the peoples wishes, our heritage, show a total lack of respect to the memory of the WW nurses memorial garden and total lack of care to our unique beauty and our unique environment. In the Mullion case at the State Administration Tribunal the panel comments that if something is so important then it must be incorporated in the Town Planning Scheme. We did that. No-one respected the input.

If this government is to continually say that the peoples wishes are being respected then they must be able to substantiate their claim. Doorknocking is not sufficient and neither is the word of a single man or woman or a committee of seven mortals sufficient.

The continual denial of calls for a referendum since 1999 is against a democratic society policy of free speech. We want to be heard and we want the environ we chose to live in to be protected and planned for in a manner fitting of our surrounds. Not slam bang thank you ma'am cramming planning.

Councillor Williams left the Chamber at 7.46pm

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council Meeting held on 15th April 2008;

as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT the following minutes:

- **Ordinary Council Meeting held on 15th April 2008;**

as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 11-0

Councillor Williams returned to the Chamber at 7.50pm.

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item Number	Nature of Interest
Councillor Williams	18.1	<u>Impartiality.</u> Councillor is a close friend of the operators of the fish processing business
Councillor Wiseman	11.2.2	<u>Financial.</u> Councillor is employed by the applicant. Cr abstained from the debate, discussion and voting on this item.
CEO – Mr Andrew Hammond	11.1.2	<u>Proximity.</u> CEO owns property adjoining the subject site. CEO abstained from the debate, discussion and voting on this item.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

9.1 Item 19.1 CEO Performance Review Committee Minutes
[Section 5.23 (2) (a) (b) of the Local Government Act 1995]

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 22-103]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 104-176]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 177-186]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Page 187-208]

Development Services

REPORTS

DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application - Consulting Rooms – 29 Adelaide Crescent, Middleton Beach

- File/Ward** : A133693 (Frederickstown Ward)
- Proposal/Issue** : Planning Scheme Consent for Consulting Rooms (one consultant)
- Subject Land/Locality** : Lot 3, (29) Adelaide Crescent, Middleton Beach
- Proponent** : Brenton Felstead
- Owner** : Heyfel Pty Ltd
- Reporting Officer(s)** : Planning Assistant (D Delury)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/3/98 – Item 6.1.3
- Summary Recommendation** : That Council approve conditional use of Consulting Rooms (one consultant)
- Bulletin Attachment** : Copy of Item 6.1.3. OCM 17/3/1998
Planning Approval P980021 dated 23/3/1998
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. This application relates to an existing ‘*Consulting Room*’ at the Adelaide Crescent address. Approval was granted in March 1998 subject to conditions, one of which stated that the approval “*is granted exclusively to the applicant and is not transferable to a third party*”. The condition was placed on the approval in an attempt to ensure the development remained small scale. A copy of those documents is included within the Elected Members Report and Information Bulletin. When it was originally advertised, adjoining residents objected to the introduction of a ‘commercial’ use into the residential area and perceived a negative impact on the amenity of the area.
2. The proponent would now like to sell the property and is seeking approval for the consulting rooms without the ‘*third party*’ condition. He is applying for permission to operate the consulting rooms in the same manner as they are at present, with the same number of staff. His intention is to sell the property and continue on in the practise for at least 12 months under a lease agreement. He wants to provide any new owner with the security of knowing that the use can be continued provided the same level of activity is maintained.
3. Under Town Planning Scheme 1A the use of Consulting Rooms in a residential area is a use that is not permitted unless planning consent is granted by Council after notice has been given in accordance with Clause 7.5 (advertising and notice to surrounding landowners). As the use is an existing approved use it was not considered necessary to re-advertise the proposal. As Council approved the previous use and conditions, determining if the third party clause can be deleted also requires Council approval.

STATUTORY REQUIREMENTS

4. A condition of planning approval can not be amended under Town Planning Scheme 1A. As the proponent did not appeal the condition in 1998, the only way to amend the condition is for the lodgement of a new application.

POLICY IMPLICATIONS

5. The subject land is adjacent to an area described within the City of Albany Residential Design Codes Policy as “*Local Mixed Use Street*”.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Healthy City: Major regional health services providing a complete range of quality health services, for all ages;

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

- *Excellent community infrastructure and services*

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Mission Statement:

The City of Albany is committed to;

- *Delivering excellent community services;*
- *Promoting our Community's vision for the future*

Priority Projects:

Nil."

COMMENT/DISCUSSION

8. Town Planning Scheme 1A requires five parking bays per consultant plus one per staff member which, in this case, should have produced seven parking bays. It is also a requirement of the R-Codes that a single house provide two on site parking spaces. When the original approval was granted, Council decided that five parking spaces would be sufficient considering the unique circumstance that existed on site. The owner (Mr B Felstead) plus one staff member (his wife) lived on site and there was only one other staff member employed, plus the number of patients waiting would be minimal. Council decided that by reducing the number of parking bays, the impact on the streetscape would be minimised.
9. The use has been in place for 10 years and operates with little disruption to the surrounding areas and there are no amenity issues which would prevent the use continuing at the same level of intensity. The appearance of the street corner is greatly enhanced by the existing landscaping and the general appearance of the dwelling and consulting rooms.
10. It should be noted that the Residential Design Code Policy, adopted by Council in October 2007 promotes the land uses for Adelaide Crescent, diagonally opposite to the site of these Consulting Rooms (and towards Middleton Beach), to be "Local Mixed Use Street – informal street incorporating occasional small cafes and other local facility uses". As well, directly opposite to the north and east are tourist accommodation facilities, so the area is not entirely residentially focussed.
11. To accommodate a consultant with two staff would require extra parking spaces to be created on site; this would require the bulk of the landscaping to be removed. The road reserve was landscaped to partially conceal the parking area. Staff can also not guarantee that a future owner would not want to reside in the dwelling at the same time the consultancy room was in use. The parking requirements could not be met on site in this instance.
12. The building has been modified and extended to accommodate separate residential areas and consulting rooms. A building licence was issued on 12/8/1998 for the upper level to be a dwelling and the lower floor an office/surgery.
13. Staff consider that the use could be continued only if the consultancy was operated in the same way as at present. The removal of the 'third party' condition could be supported provided only one (1) consultant operate from the site and the residence above the consulting rooms was occupied by the consultant, or a staff member employed by the consultancy

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent for the use of Consulting Rooms (One Consultant) at 29 Adelaide Crescent, Middleton Beach subject to the following conditions:

- i) All conditions contained in the previous planning approval (P980021) dated 23 March 1998 being applied except for Condition B11;
- ii) At all times a maximum of one (1) consultant shall operate from the site; and
- iii) The residence above the consulting rooms shall only be occupied by the consultant or a staff member employed by the consultancy.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT Council resolves to issue a Notice of Planning Scheme Consent for the use of Consulting Rooms (One Consultant) at 29 Adelaide Crescent, Middleton Beach subject to the following conditions:

- i) All conditions contained in the previous planning approval (P980021) dated 23 March 1998 being applied except for Condition B11;**
- ii) At all times a maximum of one (1) consultant shall operate from the site; and**
- iii) The residence above the consulting rooms shall only be occupied by the consultant or a staff member employed by the consultancy.**

MOTION CARRIED 7-5

DEVELOPMENT SERVICES REPORTS

The Chief Executive Officer declared a proximity interest in Item 11.1.2 and left the Chamber at 7.53pm. The nature of the CEO's interest is that he is a neighbour.

11.1.2 Development Application - Proposed Solar Power and Wind Turbine - 76 Bay View Drive, Little Grove

File/Ward	:	A48090 (Vancouver Ward)
Proposal/Issue	:	Solar Power and Wind Turbine Application
Subject Land/Locality	:	Lot 1 (76) Bay View Drive, Little Grove
Proponent	:	Graeme Waugh
Owner	:	Graeme Waugh
Reporting Officer(s)	:	Planning Officer (J Van Der Mescht) and Planning Officer (P Shephard)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Council issue a Conditional Planning Scheme Consent
Bulletin Attachment	:	Application for Planning Scheme Consent and Public Submissions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received from the landowner to develop solar panels on the roof of an existing outbuilding and a single 24.0m high wind turbine at 76 Bay View Drive, Little Grove, refer to Elected Members Report and Information Bulletin. The proponent advises that he is seeking to reduce his electricity consumption from Western Power's grid by developing his own alternative supply (peak generating capacity of 5KW solar power and 3KW wind power).
2. In accordance with Town Planning Scheme No. 3 requirements, the application was advertised as a 'Use not Listed' for public comment and five submissions were received. The submissions are required to be considered and dealt with by Council; copies are included within the Elected Members Report and Information Bulletin.

STATUTORY REQUIREMENTS

3. Clause 3.2 of Town Planning Scheme No. 3 requires that, where an application is received and that use is not contained within the Zoning Table, and cannot be reasonably determined as being comparable to a use that is listed, the Council may determine the use is either:
 - consistent with the zone objectives and permitted, or
 - may be consistent with the zone objectives and should be advertised in considering the application, or
 - is not consistent with the zone objectives and should be refused.
4. Staff determined that the application may be consistent with the zone objectives and the application was advertised and referred to adjoining / nearby landowners for comment in accordance with Clause 5.1.2.3. Clause 5.1.2.4 requires that Council now consider the application together with the submissions received and decide whether to approve or refuse the application.
5. A Building Licence, with engineering certification, is required for the construction of the solar panels and wind turbine.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. The land is zoned “Residential Development” in Town Planning Scheme No. 3 and is located at the north-western edge of the long term Little Grove urban (redevelopment) area. The lot is 3.4ha in area and is used for horticultural production and sales.
10. At the close of the public comment period a total of five submissions were received. Four of the submissions were received from adjoining/nearby landowners and within 200m of the proposed site. They had concerns with the proposal as follows:
 - The present visual amenity enjoyed by landowners and the area generally will be adversely affected by the 24.0m high tower as it will rise significantly above the surrounding topography.
 - The wind turbine will generate noise which will be annoying to residents (anecdotal evidence from existing turbine 500m from one of the objector’s residence).
 - The lack of any existing Council Policy to guide these developments means that this will set a precedent requiring Council to approve similar applications in the future.
11. The landowner who supports the proposal wishes to support local sustainable power generation, for future community and environmental benefits. That landowner lives in the town, is distant to the subject site and would not be directly affected by the proposal.
12. The submissions did not object to the placement of solar panels on the roof of the existing outbuilding on the property. Staff recommend that this component of the application be approved. The solar panels and the wind turbine are designed to generate power generation under different climatic conditions and, in combination, they have the capacity to assist the existing rural industry to reduce its operating costs.
13. The submissions raise two issues that require consideration by Council as follows:

Noise

- i) The turbine will be located towards the centre of the subject property and approximately 75m from the eastern boundary, the boundary that adjoins the nearby residential properties. There are ten dwellings within a 200m radius of the proposed turbine site.
- ii) It is accepted that certain smaller wind turbines generate noise from the gearbox/generator and from the movement of the blades through the air. The noise characteristics depend on the make of the turbine and the blade arrangement. The proponent advises that the turbine comprises a 24.0m high mast, with a 4.0m diameter rotor that operates between 150 and 900 revolutions per minute, dependent on wind speed. The sales brochure supplied as part of the application states that “*having no gearbox means less parts to wear and less friction to be*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

overcome by the blades. This results in earlier start up in light winds, more power produced, and lower maintenance than designs using gearboxes. With no gearbox our generators run silently this combined with other design features means our turbines can barely be heard.” Using wires to support the mast and the turbines “barely being heard” provides no solid information on whether it may be noticeable in proximity of the closest residence to the east and north-east of the turbine site.

- iii) For comparison, the Sandpatch wind turbines have no gearbox, they are positioned on a 65.0m tower, the blades have a diameter of 70.0m and the maximum rotor speed is 14 revolutions per minute.
- iv) Staff recommend that the proponent be required to provide evidence from acoustic engineers that the proposed site and design of the turbine will meet relevant standards and not generate unacceptable noise impacts (i.e. not above 5dB(A) above the background noise level, or 35dB(A) using the 10-minute L_A eq, whichever is greater) at the nearest noise sensitive premise prior to the final consideration of the application. The resolution of any potential noise issues at this stage is recommended as it may be difficult to resolve the issue in the future when the turbine is operating.
- v) Staff do not consider the noise issue to be a fundamental flaw in the application and the approval could be conditioned to ensure the proposed turbine has no impact on existing residential developments in the locality.

Visual Impact

- i) As stated above, the turbine will be located towards the centre of the subject property and 75.0m from the eastern boundary, that adjoins nearby residential properties. There are ten dwellings within a 200m radius of the proposed turbine, with some directly overlooking the site.
- ii) The general visual impacts expected from wind turbines relate to “flicker” from the movement of the blades, glint or reflection from the blades and possibly some overshadowing. The proponent estimates that, with the 24.0m tower, the central hub of the turbine will be a maximum of 26.0m above sea level. It will be visible from several properties surrounding the site. The proponent has commented to staff that, an option is available to reduce the height of the structure with an 18.0m mast.
- iii) Staff consider that the smaller 18.0m tower should be used to reduce the overall height of the structure for aesthetic and amenity reasons. Any further reduction in height could produce wind turbulence from nearby vegetation, affecting the operability of the turbine and increasing maintenance.
- iv) The development of a policy or guideline for on-site energy generation proposals within the urban environment is being considered by staff, but any policy would need to acknowledge that any application will have to be assessed against a range of site specific variables.
- v) In conclusion, Council has the following options available:
 - approve the proposal with or without conditions;
 - defer consideration and seek additional information;
 - refuse the proposal and provide reasons for the refusal.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent for a Use Not Listed – Solar Panels and Wind Turbine Power Generation at 76 Bay View Drive, Little Grove subject to the following conditions:

- i) Development shall be undertaken in accordance with the plans and information submitted, unless varied by a condition attached to this approval;
- ii) The proponent shall ensure the proposed outbuilding is capable of supporting the required solar panels by obtaining a building licence for the addition of the panels onto the existing structure;
- iii) The proponent shall provide an acoustic report from an authorised acoustic engineer that verifies the proposed siting and operation of the turbine will not generate unacceptable noise impacts (ie not above 5dB(A) above the background sound level or 35dB(A) using the 10 minutes L_{Aeq} whichever is greater) at the nearest noise sensitive premise prior to the erection and commissioning of the wind turbine; and
- iv) The tower shall be reduced in height to 18.0 metres from natural ground level.

Voting Requirement Simple Majority

.....
ALTERNATE MOTIONS BY COUNCILLOR STANTON

MOTION 1

THAT Council resolves to issue a Notice of Planning Scheme Consent for a Use Not Listed – Solar Panels and Wind Turbine Power Generation at 76 Bay View Drive, Little Grove subject to the following conditions:

- i) Development shall be undertaken in accordance with the plans and information submitted, unless varied by a condition attached to this approval;
- ii) The proponent shall ensure the proposed outbuilding is capable of supporting the required solar panels by obtaining a building licence for the addition of the panels onto the existing structure;
- iii) The proponent shall provide an acoustic report from an authorised acoustic engineer that verifies the proposed siting and operation of the turbine will not generate unacceptable noise impacts (ie not above 5dB(A) above the background sound level or 35dB(A) using the 10 minutes L_{Aeq} whichever is greater) at the nearest noise sensitive premise prior to the erection and commissioning of the wind turbine; and
- iv) The tower shall be reduced in height to 18.0 metres from natural ground level.

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR PRICE**

THAT Council resolves to issue a Notice of Planning Scheme Consent for a Use Not Listed – Solar Panels and Wind Turbine Power Generation at 76 Bay View Drive, Little Grove subject to the following conditions:

- i) Development shall be undertaken in accordance with the plans and information submitted, unless varied by a condition attached to this approval;**
- ii) The proponent shall ensure the proposed outbuilding is capable of supporting the required solar panels by obtaining a building licence for the addition of the panels onto the existing structure;**
- iii) The proponent shall provide an acoustic report from an authorised acoustic engineer that verifies the proposed siting and operation of the turbine will not generate unacceptable noise impacts (ie not above 5dB(A) above the background sound level or 35dB(A) using the 10 minutes L_{Aeq} whichever is greater) at the nearest noise sensitive premise prior to the erection and commissioning of the wind turbine; and**
- iv) The tower shall be reduced in height to 18.0 metres from natural ground level.**

MOTION CARRIED 12-0

MOTION 2

THAT Council, pursuant to Section 7.21 of the City of Albany Town Planning Scheme 1A and Section 6.9 of the City of Albany Town Planning Scheme 3, resolves to include “wind powered turbine” into clause 1.1 of Guideline 1 of the Development Guidelines Scheme 1A and the Development Guidelines Scheme 3.

Voting Requirement Absolute Majority

Reason:

Motion 2 removes the delegation from staff to approve wind powered turbines, without those applications being brought before Council. The potential nuisance that these turbines may cause requires each application to be assessed independently on its merits.

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR WISEMAN**

THAT Council, pursuant to Section 7.21 of the City of Albany Town Planning Scheme 1A and Section 6.9 of the City of Albany Town Planning Scheme 3, resolves to include “wind powered turbine” into clause 1.1 of Guideline 1 of the Development Guidelines Scheme 1A and the Development Guidelines Scheme 3.

**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

The CEO returned to the Chamber at 8.01pm.

DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Modifications to Parking Arrangements - Fox Way, Albany

File/Ward	:	SER 115 (Frederickstown Ward)
Proposal/Issue	:	Modifications to Parking Restrictions
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/02/08 – Item 11.2.2 OCM 16/01/07 - Item 11.2.1
Summary Recommendation	:	Parking Arrangements be Modified
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. At the February meeting, issues associated with parking arrangements at the Albany Senior High School were drawn to the attention of Council and staff requested that the item be withdrawn from discussion whilst further investigations were undertaken.
2. Safety issues were raised by local residents with parking adjacent to Fox Way (near the Albany Senior High School) where no parking controls currently exist and student parking and pickup is prevalent.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

FINANCIAL IMPLICATIONS

5. The cost of any signage to regulate parking would be funded from existing budgets. No provision has been made to undertake any physical road works within the road reserve.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Excellent community infrastructure and services;*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance;*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. Fox Way was created when the Education Department co-located the Albany Primary School with the Albany Senior High School (ASHS). The western end of Burt Street and the southern end of Campbell Road were closed and Fox Way was constructed to ensure that students using ASHS could move between school facilities without having to cross a public road. The reservation width of Fox Way was also constrained (to 13.0m width in lieu of 20.0m) by the buildings that existed on the site when the road reservation was created.
8. Motorists travelling south from Fox Way onto Burt Street have complained of poor vision on the local road network due to ASHS’s students parking upon the road verge, blocking visions down Burt Street. The situation is further aggravated by parents nominating this area as the pick up point for their children at the end of the school day. Should Council decide to regulate parking on the verge, Council is required to declare the road verge a parking exclusion zone under the Local Law.
9. The ASHS principal has advised that parking arrangements adjacent to ASHS were exacerbated when the Albany Primary School (APS) was co-located with ASHS. At the time of the co-location, the Department of Housing and Works was advised of the need to increase the number of on-site car parking bays to accommodate staff and students of ASHS. Plans were developed for two additional car parks to be developed on the ASHS site as part of the APS project, a 12 bay car park on the closed section of Burt Street and a 15 bay extension to the existing car park accessed off Suffolk Street. With budgetary constraints imposed on the APS development, those car parks were removed from the contract. The ASHS principal has sought the construction of those works in subsequent Education Department budgets and City staff recently supported a request for those works to be elevated in the Department’s 2008/09 priorities.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

10. The total number of staff at ASHS has now increased to 80 people, with approximately 65 car parking bays provided on-site (the definition of the bays makes it difficult to define actual numbers). As year 12 students gain their driver's licenses and drive to school, additional cars are required to either be accommodated on the ASHS site or within adjacent road reservations (approximately 25 bays have been created by placing gravel on the road verge). Student vehicles are generally being parked in the vicinity of the Fox Way and Burt Street intersection.
11. Officers from the Albany Police Station inspected the intersection and have advised that the road rules applying to the "tee junction" are clear. Motorists exiting Fox Way are required to give way to all traffic on Burt Street and the police do not consider the current parking arrangements warrant police intervention or create a traffic hazard.
12. The Principal of ASHS is taking every reasonable measure at his disposal to ensure teacher and student cars are parked safely and is prepared to action any request from the City to improve the current position.

RECOMMENDATION

THAT Council resolves, pursuant to Clause 3.1 of the City of Albany Parking and Facilities Local Law 2001, to not regulate parking adjacent to Fox Way and that the Principal of the Albany Senior High School be requested to arrange for student and teacher parking to maintain a clear zone of 10.0 metres on the road verge at the junction of Fox Way with Burt Street.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WALKER**

THAT Council resolves, pursuant to Clause 3.1 of the City of Albany Parking and Facilities Local Law 2001, to not regulate parking adjacent to Fox Way and that the Principal of the Albany Senior High School be requested to arrange for student and teacher parking to maintain a clear zone of 10.0 metres on the road verge at the junction of Fox Way with Burt Street.

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a financial interest in Item 11.2.2 and left the Chamber at 8.02pm. The nature of Councillor Wiseman's interest is that he is an employee of the applicant.

11.2.2 Building Licence – Shop Addition to Lot 200, 302 - 324 Middleton Road, Centennial Park

File/Ward	:	A163987 (Frederickstown Ward)
Proposal/Issue	:	Council grant approval to issue building licence for awning overhang of public street.
Subject Land/Locality	:	Lot 200, 302 – 324 Middleton Road, Centennial Park
Proponent	:	Realcom Group Project
Owner	:	Cockles Pty Ltd
Reporting Officer(s)	:	Planning Assistant (D Delury)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Council grant approval to issue building licence.
Bulletin Attachment	:	Copy of elevation of development.
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

BACKGROUND

1. The Proponent has applied for a building licence for extensions to the Woolworth's store within the Dog Rock Shopping Centre. The development include alterations to the façade and entry that faces the car park and the addition of cantilever verandah/awnings along Lockyer Avenue. A copy of the elevations showing that façade is include within the Elected Members Report & Information Bulletin.
2. The verandah/awning along the Lockyer Avenue boundary overhangs the footpath 0.8metres adjacent to the ramp entrance and then 2.1metres for 43.0metres further along that boundary (the length of the blank wall).
3. The awnings are located more than 2.75m above the footpath and its outer edge would be positioned approximately 740mm behind the roadside kerb of the Lockyer Avenue / Moir Street roundabout and it increases to 3.2m for the balance of the footpath.
4. At the March 2008 meeting, Council moved to "*delegate to the Chief Executive Officer the power to exercise powers and duties, including the power to grant approval for a building licence which encroaches over a public place or street no greater than 0.4 metres*".

STATUTORY REQUIREMENTS

5. *The Local Government (Miscellaneous Provisions) Act 1960 Clause 400(2)(a) allows that "a person with the permission of the local government and in accordance with plans and specifications settled and approved by the local government may place in front of this building, an awning or verandah", at least 2.75metres above the footpath in a street, way, or other public place, in its district, and unless prohibited from so doing by local laws of the local government, may use posts for the support of the awning or verandah provided the posts are placed in such positions close to the outer edge of the footpath as the local government directs*".

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

Mission Statement:

The City of Albany is committed to delivering excellent community services.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. The awning/verandah associated with this proposed development exceeds the limit of 0.4 metres allowed under the Council delegation. Whilst the structure meets all of the structural and building code requirements for the issuing of a building licence, that licence cannot be issued by Staff. Council's determination is required to allow the issue of the licence.
10. Staff have visited the site and have determined that site lines would not be affected or impeded by the overhang at the exit points from the Woolworths or the Millars parking areas onto Lockyer Avenue. The awning will provide protection from rain to pedestrians moving between the Albany Plaza and the Dog Rock Shopping Centre complexes.
11. The columns supporting the ramp overhang are outside the lot boundaries and the Proponent will need to ensure that services are not affected by their placement. Any costs associated with the relocation of such services will need to be met by the Proponent. The main awning has been designed without posts and it's outer edge is set back a greater distance from the kerb than the 600mm prescribed in Council guidelines.

RECOMMENDATION

THAT Council resolves to grant approval for the issue of a building licence to allow for the building of an awning at Lot 200, 302 – 324 Middleton Road which overhangs/encroaches up to 2.1 metres over the Lockyer Avenue footpath, subject to the following condition being incorporated into the building licence:

- i) Any columns or supports located outside the lot boundary are to be clear of service lines. A thorough check is to be undertaken to determine the location, if any, of these services and where necessary to move the lines with the cost to be met by the Proponent.

Voting Requirement Simple Majority

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WALKER**

THAT Council resolves to grant approval for the issue of a building licence to allow for the building of an awning at Lot 200, 302 – 324 Middleton Road which overhangs/encroaches up to 2.1 metres over the Lockyer Avenue footpath, subject to the following condition being incorporated into the building licence:

- i) Any columns or supports located outside the lot boundary are to be clear of service lines. A thorough check is to be undertaken to determine the location, if any, of these services and where necessary to move the lines with the cost to be met by the Proponent.**

MOTION CARRIED 11-0

Councillor Wiseman returned to the Chamber at 8.05pm.

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Proposed Town Planning Policy – Hawthorndene Design Guidelines Lots 67-69 (24-26) Seymour Street, Mira Mar.

File/Ward	: 133330 (Breaksea Ward)
Proposal/Issue	: Draft Design Guidelines for Hawthorndene House
Subject Land/Locality	: Lots 67-69 (24-26) Seymour Street, Mira Mar
Proponent	: Harley Survey Group
Owner	: JP & JA Raudino
Reporting Officer(s)	: Senior Planning Officer (J Van Der Mescht); and Planning Officer (P Shephard)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Adopt Draft Town Planning Scheme Policy for advertising purposes
Bulletin Attachment	: Draft Design Guidelines
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. Council has received a request from planning consultants, acting on behalf of the landowner/subdivider of 24-26 Seymour Street, requesting Council adoption of the Design Guidelines prepared as a condition of subdivision for the above properties. A copy of the draft policy is included within the Elected Members Report and Information Bulletin.
2. The subdivision involves 'Hawthorndene', which is recognised on the City's Heritage Inventory and also on the Heritage Council of WA State Register of Heritage Places and by the National Trust as a place of significant cultural heritage value.
3. The Guidelines will be used by Council to control planning of future developments on and adjacent to this heritage asset.

STATUTORY REQUIREMENTS

4. Clause 7.21.1 of Town Planning Scheme No. 1A, gives Council the power to make a Town Planning Scheme Policy as follows:

"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."

5. Clause 7.21.2 of Town Planning Scheme No. 1A requires the procedure to be undertaken to make a Town Planning Scheme Policy operative:

"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."*

6. Council has used this scheme mechanism to adopt similar design guidelines in the past and staff recommends the same approach be taken in this instance.

POLICY IMPLICATIONS

7. The Policy will be a new Town Planning Scheme Policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme No. 1A.

FINANCIAL IMPLICATIONS

8. Council is required to advertise a draft of any proposed Town Planning Scheme Policy in the local newspaper at its own cost for two consecutive weeks.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance.*

Priority Projects:

Nil.”

COMMENT/ DISCUSSION

- 10. The draft Design Guidelines have been assessed and supported by the Heritage Council of WA, as being a suitable mechanism to encourage sympathetic development within the curtilage of Hawthorndene. These will reinforce the Heritage Council’s existing controls under the *Heritage of Western Australia Act 1990*.
- 11. The adoption of final Design Guidelines (following advertising for public comment and consideration of any submissions) will satisfy the requirements of the subdivision condition for the land and allow it to be finalised.
- 12. The title of the Guidelines should be altered prior to advertising to read ‘Lots 67-69’ to reflect the proposed lot numbers following the subdivision.

RECOMMENDATION

THAT Council adopt the draft Design Guidelines ‘Hawthorndene’ for Lots 67-69 Seymour Street, Mira Mar as a draft Town Planning Scheme Policy and resolves to advertise the policy for comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT Council adopt the draft Design Guidelines ‘Hawthorndene’ for Lots 67-69 Seymour Street, Mira Mar as a draft Town Planning Scheme Policy and resolves to advertise the policy for comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A.

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Proposed Town Planning Scheme Policy – Lots 201 & 202 Pony Club Road, Willyung

- File/Ward** : A171692 & A176205 (Kalgan Ward)
- Proposal/Issue** : Adoption of the draft Town Planning Scheme Policy for Pony Club Road subdivision to modify the subdivision guide plan.
- Subject Land/Locality** : Lots 201 & 202 Pony Club Road, Willyung
- Proponent** : Harley Survey Group
- Owner** : C and S Newton (Lot 201)
BW Down & LJ Hilder (Lot 202)
- Reporting Officer(s)** : Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Subject to alterations to the proposal, Council adopt draft Town Planning Scheme Policy for purpose of advertising.
- Bulletin Attachment** : Application and Modified Subdivision Guide Plan
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. Council has received a request from planning consultants, acting on behalf of the landowner of Lot 202 for Council to adopt a modified Subdivision Guide Plan (SGP) for the above lots. The consultants advise that the modified SGP represents an improvement to the original SGP (adopted in March 1999) and allows for:
 - Increased lot yield (up from 16 to 19 lots)
 - Reduces road and servicing requirements
 - Focus development on the more capable areas compared to the original SGP.

STATUTORY REQUIREMENTS

2. Special Provision 1.2 of the Willyung Road Special Residential Zone Area No. 11 allows Council to consider modifications to the SGP as follows:

“The Council will not recommend lot sizes less than 4,000m². Subdivision shall generally be in accord with the lot sizes and layout shown on the Subdivision Guide Plan. Any significant variation to the Subdivision Guide Plan will need to be justified in terms of land capability, visual impact, retention of views, vegetation retention, emergency access/egress and setbacks from King River and creeks. Consultation with and general support of surrounding landowners will be a prerequisite to consideration of any variation to the Subdivision Guide Plan.”

3. This Clause gives Council the discretion to consider a modified SGP for the zone.
4. Clause 6.9 of Town Planning Scheme No. 3, gives Council the power to make a Town Planning Scheme Policy as follows:

“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.”

5. Clause 6.9.2 of Town Planning Scheme No. 3 requires the procedure to be undertaken to make a Town Planning Scheme Policy operative:

“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.*
- (b) *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.”*

6. This part of the scheme allows Council to adopt Town Planning Scheme Policies to assist in the control of development (including subdivision). These provisions provide the only legal mechanism for Council to adopt the modified SGP.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

POLICY IMPLICATIONS

7. The policy will be a new Town Planning Scheme Policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme No. 3.

FINANCIAL IMPLICATIONS

8. Council is required to advertise a draft of any proposed Town Planning Scheme Policy in the local newspaper at its own cost for two consecutive weeks.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. It is recommended that Council approve the modified SGP (as permitted by Special Provision 1.2) through the process of a Town Planning Scheme Policy as it will enable comment from landowners/public and relevant government agencies to be sought. Any submissions received will need to be considered by Council prior to final adoption. The adoption of a Town Planning Scheme Policy will also provide the statutory mechanisms for Council ensure the landowners coordinate the future subdivision. A copy of the modified Subdivision Guide Plan is included within the Elected Members Report & Information Bulletin.
11. The modified SGP layout is generally accepted. However proposed Lot 3 (in the central part of the site) does not show any part of the building envelope that is capable/suitable for on-site effluent disposal purposes and the proposed lot should be deleted from the SGP. All other lots/building envelopes achieve an acceptable disposal area (> 700m²) for on-site effluent disposal which is acceptable to the City’s Environmental Health section officers.
12. Part of the site is low lying (particularly Lots 3, 4, 7, 8 and 9) evidenced by elevated winter water tables and water pooling on the surface of Lots 7 and 8 during winter. These lots will require landfill to be imported to elevate the house sites and effluent disposal systems to achieve vertical separation above the water tables. Special Provision 10.3 of the Willyung Road Special Residential Zone Area No. 11 allows Council to regulate the use of alternative treatment units on low capability lots such as these to reduce the potential for nutrients to be exported from the site. Additional tree planting should also be required within Lots 7 and 8 to assist in reducing the winter water table levels in this area.
13. There are several notations (Landscape Protection/Revegetation Area and Revegetation Tree/Shrub Planting) from the original SGP that need to be included on the modified SGP to ensure consistency between the two plans.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

14. In conclusion, whilst the modified SGP does provide for minor improvements to the original subdivision layout, reduce development costs and provide for additional lots, the application should be altered as some aspects have not been adequately justified.

RECOMMENDATION

THAT Council:

- i) require Harley Survey Group to alter the proposed modified Subdivision Guide Plan (Drawing No 14272-01E) as follows:
 - a) include the proposed modified SGP within the City’s agreed Policy format to contain a relevant policy objective and policy provisions;
 - b) delete Lot 3 from the proposed Subdivision Guide Plan and amalgamate the area within adjoining Lots 1 and 2;
 - c) include the nominated re-vegetation and tree/shrub planting within the effluent disposal exclusion zone and other areas; and
 - d) that a suitable notation be included on the plan to state “Dwellings on Lots 4, 7, 8 and 9 shall require the use of alternative treatment units for on-site effluent disposal systems to the satisfaction of Council”.
- ii) in accordance with Special Provision 1.2 of the Willyung Road Special Residential Zone Area No. 11 adopt the modified Subdivision Guide plan (Drawing No 14272-01E) as a draft Town Planning Scheme Policy and agrees to advertise the policy for comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WALKER**

THAT Council:

- i) require Harley Survey Group to alter the proposed modified Subdivision Guide Plan (Drawing No 14272-01E) as follows:**
 - a) include the proposed modified SGP within the City’s agreed Policy format to contain a relevant policy objective and policy provisions;**
 - b) delete Lot 3 from the proposed Subdivision Guide Plan and amalgamate the area within adjoining Lots 1 and 2;**
 - c) include the nominated re-vegetation and tree/shrub planting within the effluent disposal exclusion zone and other areas; and**
 - d) that a suitable notation be included on the plan to state “Dwellings on Lots 4, 7, 8 and 9 shall require the use of alternative treatment units for on-site effluent disposal systems to the satisfaction of Council”.**
- ii) in accordance with Special Provision 1.2 of the Willyung Road Special Residential Zone Area No. 11 adopt the modified Subdivision Guide plan (Drawing No 14272-01E) as a draft Town Planning Scheme Policy and agrees to advertise the policy for comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.**

MOTION CARRIED 7-5

DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Policy - Final Adoption – Revised Development Guidelines – Town Planning Scheme No. 1A

File/Ward	: STR 033 (All Wards)
Proposal/Issue	: Proposal to amend Guidelines to clarify the parking requirements for building extensions in the Central Area Zone.
Subject land	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer	: Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	: N/A
Previous Reference	: OCM 18/03/08 – Item 14.2.2
Summary Recommendation	: To adopt final Policy
Bulletin Attachments	: Copy of Policy
Locality Plan	: N/A

BACKGROUND

1. At its meeting dated 18 March 2008 Council resolved the following:
“.....THAT Council adopt for advertising the revised Development Guidelines for Town Planning Scheme No. 1A (Note: The modified guidelines propose to introduce clarification on parking standards for additions in the Central Area Zone).”
2. In accordance with the above resolution, the revised policy was advertised in the local paper twice inviting submissions over a twenty one (21) day period. At the close of advertising no submissions were received.

STATUTORY REQUIREMENTS

3. Town Planning Scheme 1A states at Clause 7.21 that;
“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.

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 7. At the time this policy was placed on advertising Council, through its Planning and Environment Strategy and Policy Committee resolved to prepare a discussion paper on parking.
- 8. The intent of the revised development guidelines is to clarify Council’s position in relation to parking requirements when assessing extensions to buildings in the Central Area zone. The policy is included within the Elected Members Report & Information Bulletin proposed clause reads as follows:

“6.3 Calculation of car parking requirements for additions

In the Central Area Zone where additional floor space is to be added to an existing building, and the land use is not changing to that legally operating at the time of application, the number of car parking spaces required will be based on the existing car parking facilities on the site plus the number of bays required for the new proposed floor space in accordance with Clause 6.2 above. This clause does not apply to vacant land, either in its current form or as a result of demolishing an existing building”.

- 9. Most of the buildings within the Central Area zone were constructed prior to the introduction of car parking standards by way of a Town Planning Scheme, or indeed in many cases prior to the introduction or wide spread usage of motor vehicles. Where extensions are proposed to existing structures staff believe that in addition to what parking is already on the site (prior to the application being made), only the new floor space should be assessed against current car parking standards.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

10. For example, if an existing two storey building of 2000m² GFA is to be extended (say to accommodate a third storey of an additional 1000m² GFA) and there are currently three parking bays on site, the following parking calculation would apply:

Existing 2000m² floor space is serviced by 3 bays;
Proposed 1000m² requires 1 bay per 35m² GFA, therefore 29 bays;
In total the development would need to provide 32 bays.

11. The policy would allow owners to redevelop their properties whilst ensuring that they provide parking for new floor space.
12. It is staff's view that, despite the recent commitment to review the issue of car parking in the CBD, the policy is targeted to deal with building extensions only, the policy does not attempt to modify existing parking ratios and it can be considered separately to the current parking review. Should the car parking standards be changed in the future the policy can be revoked, amended or retained.

RECOMMENDATION

THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to finally adopt the policy entitled "Development Guidelines Scheme 1A", replacing the existing policy of the same name.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

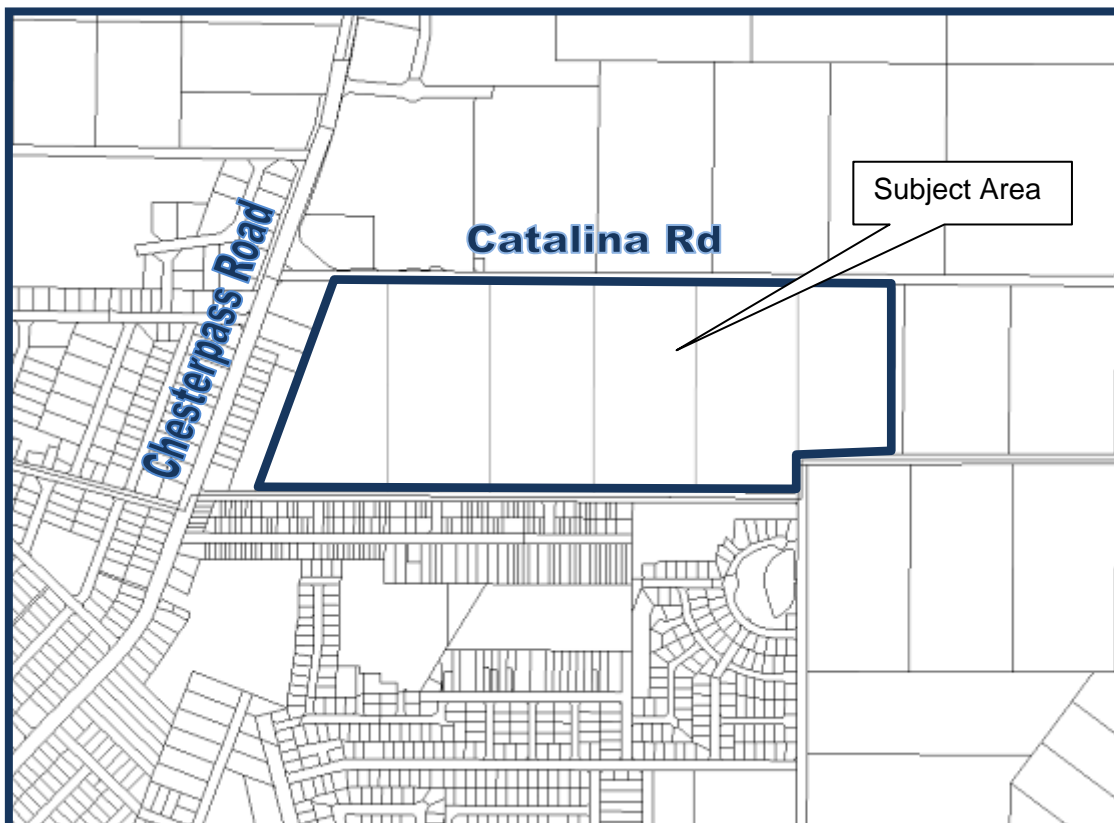
THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to finally adopt the policy entitled "Development Guidelines Scheme 1A", replacing the existing policy of the same name.

MOTION LOST 5-7

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiate Scheme Amendment - Lots 30 to 35 (12-86) Catalina Road, Yakamia

File/Ward	:	AMD 280 (Yakamia Ward)
Proposal/Issue	:	Initiate Town Planning Scheme Amendment to rezone Lots 30 to 35 (12 – 86) Catalina Road, Yakamia from “Rural” to “Residential development” and to include “Lifestyle Village” as an “Additional Use”
Subject Land/Locality	:	Lots 30 to 35 Catalina Road, Yakamia
Proponent	:	Allerding & Associates
Owner	:	C & T Powell, W & I Steinert and P & L Pocock
Reporting Officer(s)	:	Planning Officer (J van der Mescht) and Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 22/11/07 - Item 11.3.5 OCM 18/12/07 – Item 11.3.2
Summary Recommendation	:	Support the Initiation of the Scheme Amendment
Bulletin Attachment	:	Scheme Amendment
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued.

BACKGROUND

1. An application has been received to rezone Lots 30 to 35 Catalina Road, Yakamia from “Rural” to “Residential Development” and to include “Lifestyle Village” as an “Additional Use” upon the lots. A copy of the amending document is included within the Elected Members Report & Information Bulletin.
2. The subject site is situated 3.5km north of the Albany town centre. The subject lots are bordered by Catalina Road to the north and Hudson Road to the south. The site has a total area of approximately 46 hectares.
3. A Scheme Amendment Request (Item 11.3.2) was considered at the ordinary meeting of Council held on the 18th of December 2007, where the following was resolved:

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

1. *Identification of servicing needs and infrastructure requirements to accommodate future development;*
2. *land capability assessment;*
3. *Lots 30, 31 and 35 Catalina Road being incorporated into the zoning boundary;*
4. *All references to the Additional Use of “Lifestyle Village” being removed from the subsequent amendment documentation.*

Council advises that it’s prepared to entertain the submission of a formal application for the rezoning of Lots 30, 31, 32, 33, 34 and 35 Catalina Road, Yakamia to “Residential Development.”

4. The additional use of lifestyle village was not supported at this meeting for the following reason:

“In line with the Statutory Planning Division of the Department of Planning of Infrastructure notification on 8 October 2007, the additional use requested is not consistent with the principles of the Liveable Neighbourhood Policy in its current form.”

5. The initial application brought before Council involved a potential rezoning of Lots 32, 33 and 34, however Council recommended that Lots 30, 31 and 35 Catalina Road be included in any subsequent amendment document. Those lots were recommended to be rezoned to “Residential Development” as they are immediately adjacent to the subject land and share similar site characteristics (cleared farmland). The six lots are designated “Future Urban” within the Albany Local Planning Strategy (ALPS) and form the basis of the current application.

STATUTORY REQUIREMENTS

6. The subject lots are zoned “Rural” in Town Planning Scheme 3. The objective of the rural zoning in TPS3 identified under Clause 3.1.13 is:

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued.

7. The Objective for the Residential Development zone is:

“To facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisions pattern, multiple ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development”

8. All Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005*, including referral to the Environmental Protection Authority, a 42 day public advertising period and endorsement by the WA Planning Commission and the Minister for Planning and Infrastructure.
9. On completion of advertising, the amendment will be referred back to Council to consider final adoption, with or without modification.
10. Town Planning Scheme 3 requires the development of an Outline Development Plan over any area zoned “Residential Development” prior to the land being subdivided or developed. The Yakamia Local Structure Plan (Cell A and B) will set the broad framework for subdivision and development of the subject land and it can operate in parallel with an Outline Development Plan over a more finite land area.

POLICY IMPLICATIONS

11. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.'s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.
12. Local Government is to have regard to Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.
13. The Albany office of the Department of Planning and Infrastructure drew Council’s attention previously to provisions of the Liveable Neighbourhood Policy (section R19 element 1) which states:

“Residential developments should not be provided in ‘gated’ street formats. Where lifestyle, retirement or other special-interest developments are proposed, these must incorporate the majority of their development on public streets, with good linkages to surrounding urban areas. Potentially suitable sites for such developments may be identified on structure plans, together with provisions to ensure they do not disrupt the overall walkable urban structure.”

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

15. The subject site is designated as a “Future Urban” within the Albany Local Planning Strategy (ALPS). ALPS require planning and development of such areas in an efficient and co-ordinated manner as logical extensions of existing settlements that have retail, service and community infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued.

16. The State Planning Strategy recommends the consolidation of existing housing stock and provision for a variety of housing available to residents in the City.
17. The subject site is located within the (draft) Yakamia Structure Plan area, which is yet to be completed to the satisfaction of the City. This Structure Plan will address the broad scale layout of the structure plan area, informing developers on the road hierarchy, Public Open Space allocation, residential density and the location of commercial/community facilities (including schools).
18. The request to rezone the subject land to allow for residential development with “Lifestyle Village” as an “Additional Use” is not inconsistent with the policy and strategic planning for the area (Future Urban) as set out in the Albany Local Planning Strategy (ALPS).

COMMENT / DISCUSSION

19. The inclusion of the five lots within the Residential Development zone is consistent with the earlier decision of Council and the objective for that zone (refer to paragraph 7) is consistent with all strategic planning initiatives introduced at a State and Local government level.
20. The area of major contention is the retention of the “Lifestyle Village (Park Home Park)” option within the amending documents. Increased housing density (acknowledging that a park home is a house and not short stay accommodation) fits in with the draft planning undertaken as part of the Yakamia Structure Plan (YSP). The draft YSP supports increased housing density in close proximity to the Centro Shopping Centre, where pedestrian movement is feasible to shopping and other facilities. The preparation of the YSP is a statutory obligation, but it was also undertaken to ensure subdivision coordination over a large geographic area; assessment of proposals on a lot by lot basis would promote ad-hoc and uncoordinated suburb development, duplication of services, inappropriate definition of road hierarchy and poor planning of community infrastructure.
21. The five lots contained within the amending proposal are relatively level and cleared, with the exception of small pockets of remnant vegetation. They slope to the south and east and have frontage to bitumen roads (Catalina Road and Hudson Street). Low density residential allotments exist along the southern side of Hudson Road and those lots will be further intensified over time as reticulated sewer mains are extended to the property boundaries. The rezoning of the subject land, to allow for residential development, is not expected to impact on the visual amenity or environmental quality of the area.
22. The site is close to the Catalina neighbourhood centre and associated community and commercial facilities. A detailed Outline Development Plan will need to be prepared (endorsed by Council and the WAPC) as part of the intended zoning and that plan will resolve site inter-connectivity, servicing standards, drainage outfall and other subdivisional and development requirements.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

23. The Proponent's decision to progress amending documents which designate lots 32 to 34 Catalina Road as an "Additional Use – Lifestyle Village" site is a departure from the earlier decision of Council (refer to paragraph 3). The SAR is a non-statutory process and the Proponent has the capacity to submit to Council an amendment request that is at variance with Council's views expressed as part of the SAR deliberations; where a Proponent does so, he/she acknowledges that they face a greater risk that their request to initiate the amendment could be rejected.

24. Staff supported the initial request (SAR) to incorporate a Lifestyle Village on the subject lots and maintain that position. In considering the merits of this proposal under the Liveable Neighbourhood policy, it is important to not read a single provision in isolation of the policy.

25. In the introductory section of the policy it is stated:

"Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans and subdivision, strata subdivision and development for new urban areas in the metropolitan area and country centres, where two or more lots are created on "greenfields" sites at the urban edge, or on large urban infill sites in developed areas. The provisions of this policy apply to all residential development; however, the WAPC will take into consideration the specific design issues associated with retirement and lifestyle villages and accommodation in determining applications."

26. In the section of the policy dealing with applications, it states:

"Each element has two components:

- **objectives** which describe the principal aims of each element; and
- **requirements** which represent a range of qualitative and quantitative responses to meeting the objectives.

The requirements are phrased in two ways:

- matters that **should** be considered, where these are a range of design solutions; and
- matters that **must** be satisfied, where a particular response is required, unless the requirement states that in particular circumstances, variations or exemptions are allowed.

The objectives for each element are more important than any one set or requirements through which urban development can be carried out. At times, objectives and requirements may be difficult to achieve together. In these cases the WAPC will assess the merits of a proposal against the objectives and circumstances presented for a particular site."

27. On turning to Element 1 – Community Design, the policy goes on to state:

"A key focus in this element is to ensure that an urban framework is provided that facilitates a much more sustainable urban and environmental outcome in all new developments. Coupled with this is a need to provide improved social sustainability (social capital and community development) and better equity and choice.

O1 – to facilitate a sustainable approach to urban development by minimising non-renewable energy use and car dependence, encouraging greater local self containment of neighbourhoods and towns, and protecting key natural and cultural assets.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

O2 - *To provide safe, convenient and attractive neighbourhoods and towns that meet the diverse and changing needs of the community and offer a wide choice of housing, leisure, local employment opportunity and associated community and commercial facilities.*

O3 - *to develop a coherent urban system of compact walkable neighbourhoods which cluster to form towns with relatively intense, mixed use town centres that are capable of catalysing a broad range of employment and social opportunities.*

O5 – *to provide a movement network which has a high-interconnected street network that clearly distinguishes between arterial routes and local streets, establishes good internal and external access for residents, maximises safety, encourages walking and cycling, supports public transport and minimises the impact of through traffic.*

28. From the above extracts, and referring to the reasons outlined in the Council decision of December 2007, rejection of the lifestyle village on the basis that it is inconsistent with Requirement R19 of Element 1 of the Liveable Neighbourhoods policy is problematic and the rationale for accepting or rejecting the additional use requires further deliberation. The WAPC has undertaken in its policy to consider the design issues associated with lifestyle villages on a case by case basis. The principles in Requirement R19 are for consideration as part of an assessment process and not a mandatory obligation. The site and the lifestyle village provide for the land use outcomes espoused in Element 1 Objectives 1, 2, 3 and 5 and compliance with those planning objectives must be given greater weight than the principle of Requirement R19.
29. The zoned area and the additional use will be surrounded by standard residential allotments to compliment the existing residential streetscape on the southern side of Hudson Road. Catalina Road will become a local distributor road (similar to North Road) over the long term and it is essential that access to that road from adjacent developments be restricted.
30. If the additional use is supported, a future development would be undertaken in accordance with the Park Home provisions of the *Caravan Parks and Camping Grounds Regulations 1997*.

CONCLUSION

31. Due to the compatibility of the application with the strategic intent for the area, staff supports the application to initiate the rezoning of the land to:
- i. “Residential Development” and
 - ii. to include “Lifestyle Village” as an “Additional Use”.
32. Additional Design Guidelines as Special Conditions to the additional use of “Lifestyle Village” are proposed to be developed to ensure that the development is of a high standard and achieves the objective of being a “lifestyle village”. The special conditions/design guidelines should include planning controls on building design, materials, fencing and landscaping.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

33. The completion of the Yakamia Structure Plan needs to progress and should address the principles of the Liveable Neighbourhood policy, establish development contributions, make provision for an overall public open space strategy for the suburb, quantify stormwater management requirements, establish lot density and define the road hierarchy /network. Concurrently, the Proponent can proceed with the preparation of an Outline Development Plan covering the five lots affected by this amendment.

RECOMMENDATION

THAT Council, in pursuant to Section 75 of the Planning and Development Act 2005 resolves to initiate Amendment 280 of the City of Albany’s Town Planning Scheme No. 3 by:

- i) Rezoning Lots 30 to 35 Catalina Road, Yakamia from “Rural” to “Residential Development”
- ii) Modifying Schedule 2 – Additional Use Sites’ of the Scheme as follows:

Code No	Land Particulars	Additional Uses	Special Conditions
XX	Lots 32, 33 & 34 Catalina Road, Yakamia	Lifestyle Village	<ol style="list-style-type: none"> 1. Subject to the Park Home Provisions of the Caravan and Camping Grounds Regulations 1997. 2. All subdivision and development shall generally be in accordance with the approved development plan endorsed by the Chief Executive Officer and Mayor.

Subject to the amending document being modified to include the following:

- a) The inclusion of the planning regime relating to lots 30, 31 and 35 being incorporated into the body of the text and planning rationale espoused in the amending document;
- b) Reference through the body of the amending text to the requirement to prepare an Outline Development Plan which will address the detailed land capability analysis for all lots, the servicing needs and infrastructure requirements to accommodate future development and other requirements defined in the Development Control Policy Guidelines for Preparation of Local Structure Plans for Urban Release Areas.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- c) An additional special provision being inserted into Schedule 2, as per the following:

“3. Preparation of design guidelines to Council’s satisfaction prior to development approval covering the following matters:

- *Perimeter fencing;*
- *Building design, materials and colours; and*
- *Landscaping.”*

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BUEGGE**

THAT Council, in pursuant to Section 75 of the Planning and Development Act 2005 resolves to initiate Amendment 280 of the City of Albany’s Town Planning Scheme No. 3 by:

- i) **Rezoning Lots 30 to 35 Catalina Road, Yakamia from “Rural” to “Residential Development”**
 ii) **Modifying Schedule 2 – Additional Use Sites’ of the Scheme as follows:**

Code No	Land Particulars	Additional Uses	Special Conditions
XX	Lots 32, 33 & 34 Catalina Road, Yakamia	Lifestyle Village	1. Subject to the Park Home Provisions of the Caravan and Camping Grounds Regulations 1997. 2. All subdivision and development shall generally be in accordance with the approved development plan endorsed by the Chief Executive Officer and Mayor.

Subject to the amending document being modified to include the following:

- a) **The inclusion of the planning regime relating to lots 30, 31 and 35 being incorporated into the body of the text and planning rationale espoused in the amending document;**
- b) **Reference through the body of the amending text to the requirement to prepare an Outline Development Plan which will address the detailed land capability analysis for all lots, the servicing needs and infrastructure requirements to accommodate future development and other requirements defined in the Development Control Policy Guidelines for Preparation of Local Structure Plans for Urban Release Areas.**
- c) **An additional special provision being inserted into Schedule 2, as per the following:**
“3. Preparation of design guidelines to Council’s satisfaction prior to development approval covering the following matters:
- *Perimeter fencing;*
 - *Building design, materials and colours; and*
 - *Landscaping.”*

MOTION CARRIED 8-4

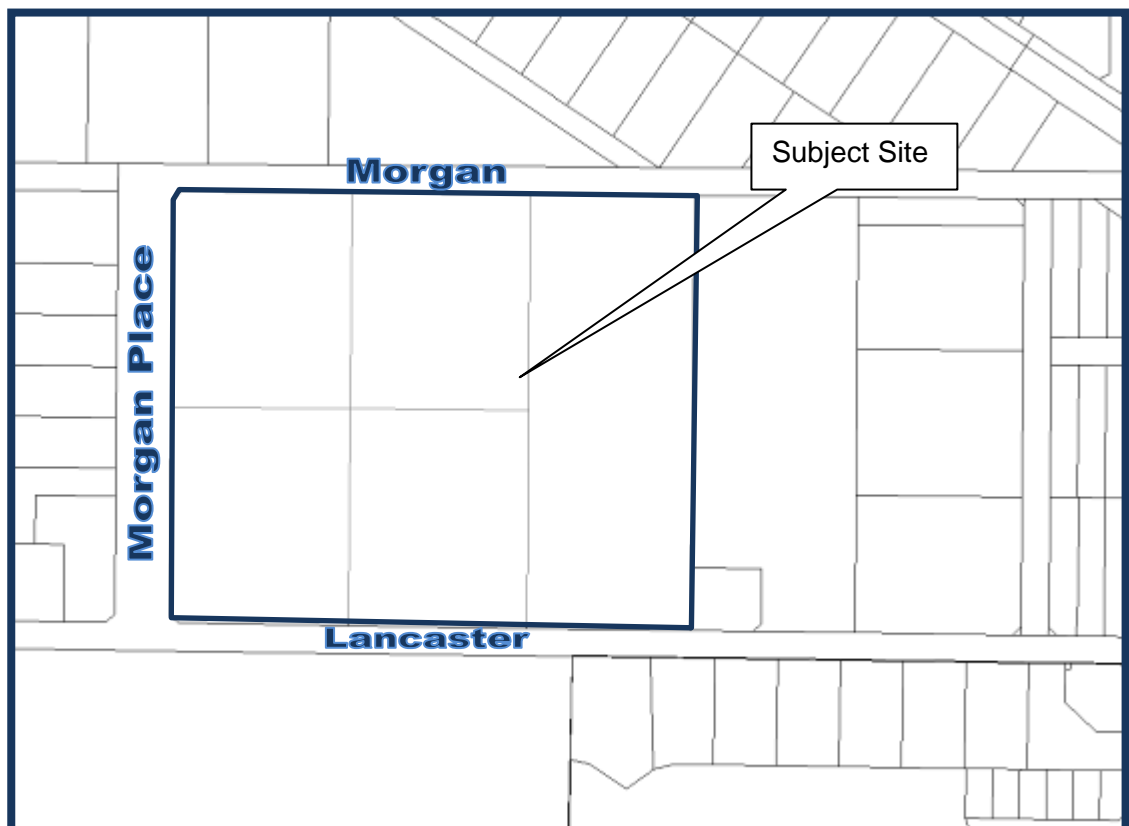
Record of Vote:

For: Mayor Evans, Councillors Walker, Buegge, Wolfe, Kidman, Matla, Wiseman, and Morris
 Against: Councillors Price, Paver, Stanton and Williams.

DEVELOPMENT SERVICES REPORTS

11.3.5 Final Adoption of Scheme Amendment - Lot 48 Morgan Place, Lot 49 Morgan Road and Lots 47, 50 & 51 Lancaster Road, McKail

- File/Ward** : AMD 269 (West Ward)
- Proposal/Issue** : To Rezone from 'Rural' to 'Residential Development' Zone.
- Subject Land/Locality** : Lot 48 Morgan Place, Lot 49 Morgan Road and Lots 47, 50 & 51 Lancaster Road, McKail
- Proponent** : Harley Survey Group
- Owner** : P&J Boccamazzo, A Ovens, L Robinson, E & R Wilkinson, NF,SJ & S Padula, E & S Klein & N Lembo.
- Reporting Officer(s)** : Planning Officer (J van Der Mescht); and Thompson McRobert Edgeloe (Planning Consultants)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/11/07 – Item 11.3.4
- Summary Recommendation** : That Council adopt Amendment 269 for final approval
- Bulletin Attachment** : EPA advice
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. At Council's November 2007 meeting Council resolved:

'THAT Council resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 269 to the City of Albany Town Planning Scheme 3 (subject to modifications) for the purposes of rezoning Lot 48 Morgan Place, Lot 49 Morgan Road and Lots 47,50 & 51 Lancaster Road, McKail from the "Rural" Zone to the "Residential Development" zone.

2. The amending documents were referred to the Environmental Protection Authority (EPA) who concluded that a formal environmental assessment was not required. The EPA provided further advice on environmental issues, which are discussed in the Comment/Discussion section of this report. A copy of the advice is also included with the Elected Members Report and Information Bulletin.
3. The application was advertised in accordance with Section 39 of the *Planning and Development Act*.
4. Six (6) submissions were received and are discussed later in this report. A summary of submissions is attached.

STATUTORY REQUIREMENTS

5. All Scheme amendments are subject to a statutory process in accordance with the *Planning and Development Act 2005*. If Council grants final approval, the amendment also requires endorsement by the WAPC and approval of Honourable Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

6. The WAPC Statements of Planning Policy (SPP) No's 1 and 3 establish the general principles for planning in Western Australia. The primary aim of the SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.

FINANCIAL IMPLICATIONS

7. There are no immediate financial implications relating to this item, however, further residential development places pressure on the need to improve supporting infrastructure (e.g. roads and drainage) within the vicinity. The cost of extending the required infrastructure will be borne by landowners at the subdivision stage.

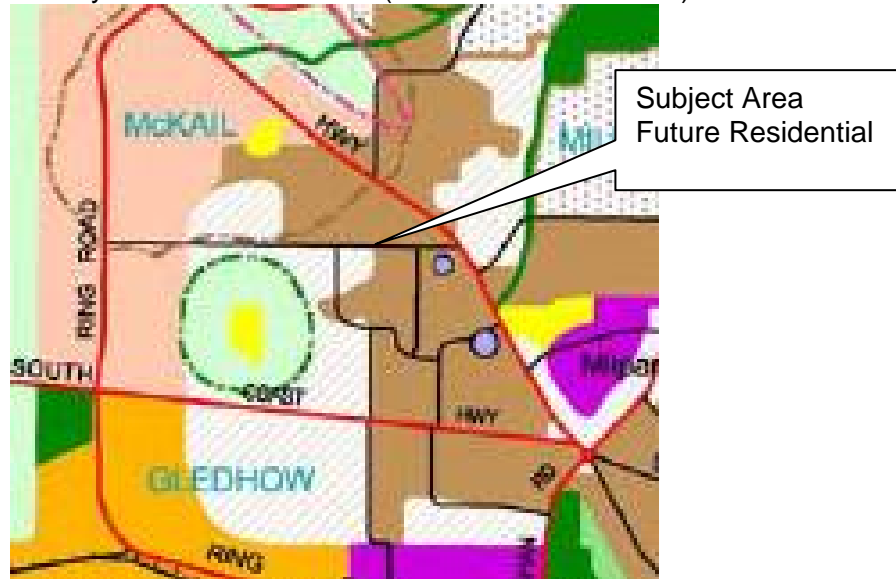
STRATEGIC IMPLICATIONS

8. The subject site is identified within the Albany Local Planning Strategy (ALPS) document (plan 9b) as within an area of either existing residential or being suitable for fully serviced 'Future Residential' development. The document requires planning and development of the area in an efficient and coordinated manner, as a logical extension of existing settlements and with retail, service and community infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

Twenty Year Indicative Plan (ALPS Draft Document)



9. The Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses. The State Planning Strategy recommends the consolidation of existing housing stock and the provision for a variety of housing available to residents in the City.
10. It is considered that this proposal meets with the strategic intent of both of these documents.

COMMENT/DISCUSSION

Public Comment

11. The Scheme Amendment was advertised for public comment and six submissions were received. There were no objections to further development of the land however a number of questions were raised by adjoining landowners.
12. The questions raised can be summarised as follows;
 - i. Concerns regarding dust suppression during development.
 - ii. Concern for the safety of pedestrians and road users due to the increase in vehicle movements.
 - iii. Protection of vegetation along Morgan Place and appropriate landscaping.
 - iv. Damage to property during development construction phase.
 - v. Appropriateness of density proposed.
13. The issues that have been raised can generally be dealt with during the process of subdivision and therefore are not issues which should restrain the rezoning of the land.
14. Vegetation is to be protected and maintained along the drainage line that runs north south on Lot 51. The requirement for an approved landscaping plan may also be a condition of subdivision.
15. The density proposed is suitable as the land is identified for future urban expansion to fully serviced lots.

EPA Advice

16. The EPA has advised that a formal environmental assessment is not required.
17. The EPA has indicated support for the principles regarding stormwater management and native vegetation retention contained within the proposal.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

Conclusion

- 18. Due to the compatibility of the application with the strategic intent for the area and the control mechanism for a ‘residential development’ zone under the scheme (Section 5.5) it is recommended that Council finally adopt the amendment to rezone the site to a fully serviced (deep sewered) ‘Residential Development’ zone.

RECOMMENDATION

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 269 of the City of Albany’s Town Planning Scheme No. 3 by:

- i) Rezoning Lot 48 Morgan Place, Lot 49 Morgan Road and Lots 47, 50 and 51 Lancaster Road, McKail from the “Rural” zone to the “Residential Development” zone; and
- ii) Amending the Scheme Maps accordingly.

AND

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

Voting Requirement Simple Majority

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**MOVED COUNCILLOR MATLA
 SECONDED COUNCILLOR WOLFE**

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 269 of the City of Albany’s Town Planning Scheme No. 3 by:

- i) Rezoning Lot 48 Morgan Place, Lot 49 Morgan Road and Lots 47, 50 and 51 Lancaster Road, McKail from the “Rural” zone to the “Residential Development” zone; and**
- ii) Amending the Scheme Maps accordingly.**

AND

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

MOTION CARRIED 10-2

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

City of Albany

**Town Planning Scheme No. 3
Amendment No. 269**

Schedule of Submissions

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATI ON
1.	Main Roads Western Australia		No objection however suitable turn treatments at the intersection of Lancaster Road and Albany Highway will be required at the developers cost.	Would be addressed at time of subdivision.	Noted	
2.	M & M McNamara – Residents		<ul style="list-style-type: none"> • Disagree with R20 density code, prefer to see R5 minimum. • Drainage should be upgraded. • Morgan Place Road reserve should be left as a natural buffer. • Street verges and POS should be planted with suitable trees to maintain the aesthetic appearance of the area. • Morgan Place should be sign posted banning heavy haulage vehicles. • Dust control during subdivision 	<ul style="list-style-type: none"> • The R20 coding is a more efficient density for land that is able to be serviced and is identified for future urban use. • Would be addressed at time of subdivision. • Would be addressed at time of subdivision. • 'As of Right' vehicles can not be banned from using a public road however traffic calming treatments can be installed to make the route less desirable for those vehicles. • Should be addressed at time 	<p>Noted</p> <p>Noted Noted.</p> <p>Noted</p> <p>Dismiss</p> <p>Noted</p>	

DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
			construction needs to be addressed.	of subdivision development.		
3.	Various Residents of Morgan Place & Morgan Road		<ul style="list-style-type: none"> • Why was a development plan not included with the original letter from Council? We have a problem with lack of disclosure. • We are against two accesses from the proposed development onto Morgan Place. Subdivisional road access could be redirected to Lancaster Road. • Access to Albany highway could be directed via Morgan Road. • Previous road upgrading activities on Morgan Place caused damage to a number of properties. Any further upgrading may do the same. • Increased traffic movement may be dangerous for residents and in particular children using the roadway. • Development density would mean a greater number of vehicle movements per day than the estimate 10 movements contained within the document. • This estimation does not include any statistics regarding vehicle movements for medium and high density housing or units. 	<ul style="list-style-type: none"> • The standard procedure is to invite affected stakeholders to view available documentation in the Shire Offices. Proposals which are open to public comment are available for anyone to view. • Access onto Morgan Place is more desirable than multiple accesses onto Lancaster Road from a traffic management and safety perspective. • See note above • Morgan Road is currently not constructed to Albany Highway. • Noted however not relevant to this Amendment. • Traffic calming and management techniques applied at time of subdivision may assist in reducing risk to multi users of road way. • Between 7 – 10 vehicle movements per day is an accepted standard measure of traffic movements for a single dwelling. 	<p>Noted</p> <p>Noted</p> <p>Noted.</p> <p>Noted.</p>	

DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
			<ul style="list-style-type: none"> • Dust has been a problem from the Lancaster Road development. • Why has the developer the option to amalgamate the road reserve with his land and not the other residents of Morgan Place? • Has Morgan Place been constructed in the wrong place for all these years? • If so who owns the land in front of our houses? 	<ul style="list-style-type: none"> • Movements per day are assessed as per residential dwelling and do not vary dependant on density. • Morgan Place has previously been constructed on the western portion of the over width road reserve leaving the surplus Road Reserve adjacent the subject land. It is therefore not practical or possible to seek to amalgamate the road reserve into any other lots on the western side of Morgan Place. • Morgan Place has been constructed within an over width road reserve however is constructed legally and appropriately within that reserve. • Land owners own any land that is contained on their certificate of title. Land within the road reserve is in the care and maintenance of the City of Albany. To ascertain the correct boundary alignment a survey must be undertaken. This is the responsibility of the land owner. • Contact Water Corporation regarding planned upgrades of services to existing services. 		

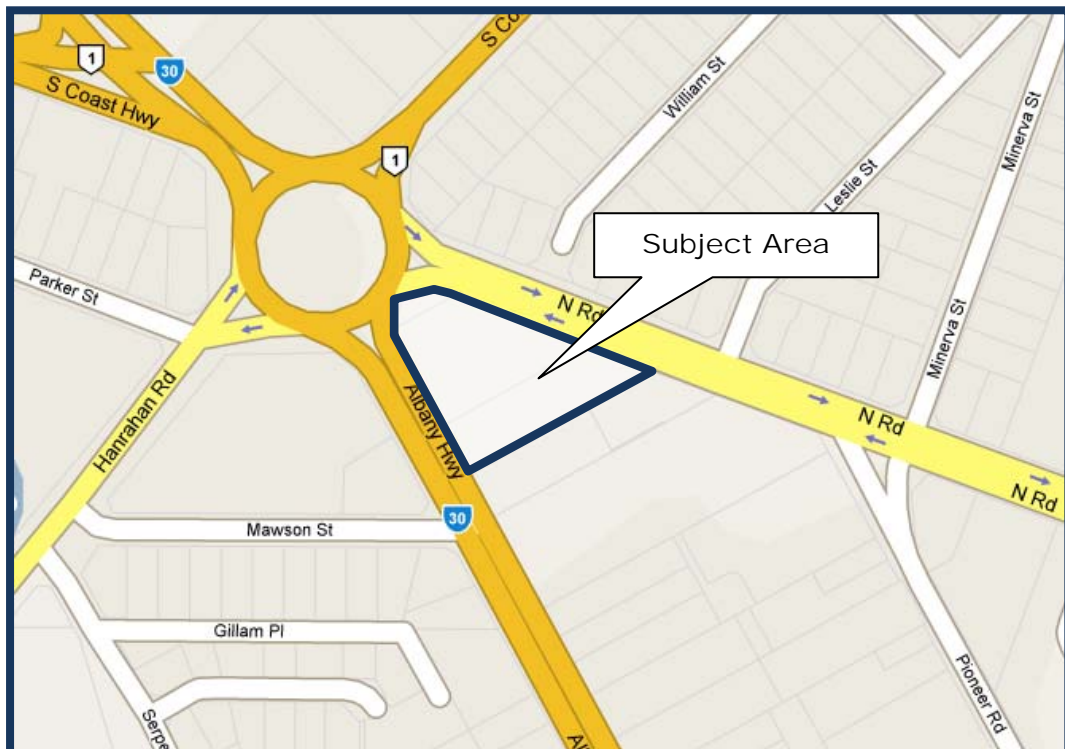
DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATI ON
			<ul style="list-style-type: none"> • Will water services be upgraded in Morgan Place and Morgan Road? • We expect the developer to spray and water the subdivision to assist in the dust problem. 	<ul style="list-style-type: none"> • Noted. Should be addressed at time of subdivision development. 		
4.	Department of Environment & Conservation		<ul style="list-style-type: none"> • No objection subject to the development incorporating appropriate provisions to protect the existing drainage line. 	<ul style="list-style-type: none"> • Noted. Proposal has addressed this. 		
5.	Department of Education & Training		<ul style="list-style-type: none"> • No objection 	<ul style="list-style-type: none"> • Noted 		
6.	W & R Maxwell - Residents		<ul style="list-style-type: none"> • No objection. • Dust must be controlled. 	<ul style="list-style-type: none"> • Noted. • Noted. Should be addressed at time of subdivision development. 	Noted	

DEVELOPMENT SERVICES REPORTS

11.3.6 Final Adoption of Scheme Amendment - Lots 40 & 41 Albany Highway/ North Road & Lot 989 Albany Highway, Centennial Park

- File/Ward** : AMD 165 (Frederickstown Ward)
- Proposal/Issue** : To rezone Lots 40 , 41 & Lot 989 Albany Highway, Centennial Park from 'Clubs and Institutions' to 'Other Commercial' under the City of Albany Town Planning Scheme No 1A.
- Subject Land/Locality** : Lots 40 ,41 and 989 Albany Highway, Centennial Park
- Proponent** : Chappell Lambert Everett
- Owner** : Australasia Conference Association Ltd and Crown
- Reporting Officer(s)** : Planning Officer (J van Der Mescht)
Gray and Lewis (Planning Consultants)
- Disclosure of Interest** : Nil.
- Previous Reference** : OCM 15/1/08 – Item 11.3.4
- Summary Recommendation** : Adopt Amendment 165 for final approval (with modification)
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. The subject land has a combined total area of 9119m² and is located approximately 2.5 kilometres from Albany town centre.
2. The lots are Zoned '*Clubs and Institutions*' under the City of Albany Town Planning Scheme No 1A ("the Scheme") and currently contain a church, hall and associated parking.
3. The lots to the south are zoned 'Residential' and the lots to the south west are zoned 'Other Commercial' and 'Service Station'.
4. Council initiated Amendment 165 to the City of Albany Town Planning Scheme No 1A at its meeting dated 15 January 2008.

STATUTORY REQUIREMENTS

5. All Scheme amendments are subject to a statutory process in accordance with the Planning and Development Act 2005. If Council grants final approval the amendment also requires endorsement by the WAPC and approval of Honourable Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The Albany Local Planning Strategy (ALPS) identifies the area around the site as 'Mixed Business'. The proposed rezoning to 'Other Commercial' is therefore consistent with this strategic intent.

COMMENT/DISCUSSION

Public Consultation /Advertising

9. The amendment was advertised from 21 February 2008 to 1 April 2008. During advertising a total of four submissions were received as per the attached Schedule of Submissions.
10. In addition to the formal submissions received, the owner of the adjoining property, Lot 301 Albany Highway, did not object to the proposed amendment but has expressed a concern regarding possible overshadowing, potential noise and the impact on value and therefore requested his lot to be included in the proposed amendment. The owner has subsequently submitted a formal response/request in this regard.
11. Main Roads WA has advised that Lot 989 (unallocated Crown land) will be needed for future development of the round about therefore a minor modification is recommended to show the lot as road reserve. All road reserves are shown on the Scheme map as white (no zone).

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Proposed Zoning

12. As the lots abut 'Residential' to the south and are located opposite an 'Other Commercial' zone to the south west, arguments that either of these zones should apply could be made.
13. The proposed 'Other Commercial' zone is supported for the following reasons;
 - (i) The lots are already used for non residential uses and include visual elements such as car parking which are normally associated with commercial premises.
 - (ii) The lots have an approximate frontage of 106 metres to Albany Highway and 149 metres to North Road. The lots exposure creates a location advantage suitable for 'other commercial' uses.
 - (iii) The existing buildings are of questionable quality and re-zoning provides an opportunity for redevelopment of the site to positively contribute to the existing streetscape.
 - (iv) A mixture of zonings around this major junction already exist, and the proposed 'Other Commercial' zone will permit land uses consistent with those earmarked for this area under the Albany Local Planning Strategy.
14. In response to the concerns raised by the owner of the adjoining lot, the applicant will still have to lodge a development application for approval of any new building. Design issues such as the quality of elevations, location of loading bays, parking etc will be examined at the development stage. It will be important to ensure that the design minimises any overshadowing and potential noise to abutting residential land through careful location of truck movement / circulation areas, air conditioners etc.
15. Town Planning Scheme 1A requires a 7.5 m boundary setback were a property in the "Other Commercial" zone abuts a property in any "Residential" zone.
16. The request to include the residential properties adjoining the subject lots (namely lot 301) as part of this amendment was assessed. It is however not supported at this time on the basis that;
 - (i) It will result in an irregular zoning boundary, unless a smaller 1767m² lot to the north-east is included in the Other Commercial zone. It is undesirable that the smaller lot be rezoned as it has access from North Road only and is not of a suitable size to support a viable "Bulky Goods" development.
 - (ii) As access to the development on Lots 40 and 41 will be located at the southern boundary, away from the round-a-bout, an additional access point for Lot 301(which has a narrow frontage) in close proximity is likely to generate traffic difficulties. Lot 301 has approval for five (5) group dwellings on the site which would generate significantly less traffic than a commercial operation.
 - (iii) It will constitute a major change to the rezoning proposal and would likely result in the amendment being readvertised. The owner of this lot has the opportunity to address the merits of his land being rezoned Other Commercial in a separate rezoning application.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Conclusion

14. The amendment is supported subject to Lot 989 being shown as a Local scheme reserve (local road). It is recommended that Council adopt the amendment for final approval.

RECOMMENDATION

THAT Council, subject to a modification to rezone Lot 989 Albany Highway from “Clubs and Institutions” to “Local Scheme Reserve (Local Roads)”, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 165 of the City of Albany’s Town Planning Scheme No. 1A by:

- i) Rezoning Lot 40 and 41 Albany Highway, Centennial Park from “Clubs and Institutions” to “Other Commercial”;
- ii) Rezoning Lot 989 Albany Highway, Centennial Park from “Clubs and Institutions” to “Local Scheme Reserves (Local Roads)”; and
- iii) Amending the Scheme Maps accordingly.

AND

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

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR PRICE**

THAT Council, subject to a modification to rezone Lot 989 Albany Highway from “Clubs and Institutions” to “Local Scheme Reserve (Local Roads)”, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 165 of the City of Albany’s Town Planning Scheme No. 1A by:

- i) Rezoning Lot 40 and 41 Albany Highway, Centennial Park from “Clubs and Institutions” to “Other Commercial”;**
- ii) Rezoning Lot 989 Albany Highway, Centennial Park from “Clubs and Institutions” to “Local Scheme Reserves (Local Roads)”; and**
- iii) Amending the Scheme Maps accordingly.**

AND

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

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

City of Albany

Town Planning Scheme No. 1A

Amendment No. 165

Schedule of Submissions

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	Western Power Submission by email	Not Applicable	No Objection. 1a) Prior to any excavation Perth One Call must be contacted. 1b) Worksafe requirements must be observed when any excavation is near Western Powers assets.	Noted. This is advice only.	Dismiss.	
2.	Water Corporation PO Box 915 Albany WA 6331	Not Applicable	No Objection. 2a) Your attention s drawn to existing sewerage reticulation mains located within Lots 40 and 41. Easements will need to be created over these mains when redevelopment takes place.	Noted. This is advice only and can be addressed at development stage.	Dismiss.	
3.	Westnet Energy PO Box 8491 PERTH BC 6849	Not Applicable	No Objection. 3a) There are Alintagas Network assets in the vicinity therefore Westnet requirements will need to be met.	Noted. This is advice only.	Noted.	
4.	Main Roads WA PO Box 503 ALBANY WA 6330	Not Applicable	No Objection in principle to commercial redevelopment and objection to re-zoning Lot 989. 4a) Whilst Main Roads WA does not in principle object to the commercial rezoning	Noted. 4a) A traffic report should be	Partially upheld. It is recommended that the amendment be modified to re-zone Lot 989 from 'Clubs and Institutions' to 'No zone' (white – representative of all	

DEVELOPMENT SERVICES REPORTS

		<p>it has significant concerns over potential for adverse impacts to the operation of Albany round-a-bout which is coming under increasing traffic pressure.</p> <p>It is imperative that any development does not constrain future road infrastructure development needs.</p> <p>4b) Commercial development should be limited to businesses with moderately low volumes of light traffic and no more than one left in / left out access should be provided each on Albany Highway and North Road.</p> <p>4c) Rezoning of the site should be subject to the amalgamation of Lots 40 and 41 or establishment of reciprocal rights of access for Lots 40 and 41.</p> <p>4d). Re-zoning of unallocated crown land (Lot 989) is not supported as this land should be retained for future development of the Albany round-a-bout.</p>	<p>required at development stage and any development should be referred to Main Roads WA.</p> <p>4b) As per 4a).</p> <p>4c) This can be a requirement at development stage.</p> <p>4d) Noted.</p>	<p>road reserves) in recognition that it will be needed for future road development.</p>	
5	B Berryman Lot 301 Albany Highway	<p>Concern re ;</p> <ol style="list-style-type: none"> 1. Impact on Value 2. Noise 3. Overshadowing <p>Request for Property to be included as part of the rezoning</p>	<p>Noted, 7.5m standard setback as per TPS 1a provides sufficient protection of the Amenity.</p> <p>No negative impact on value given existing use of Clubs and Institutions</p> <p>Which has a similar impact on value.</p> <p>The inclusion as part of rezoning was assessed would however not be viable.</p>	<p>Noted and addressed in council Item</p>	

DEVELOPMENT SERVICES REPORTS

11.3.7 Final Adoption of Scheme Amendment – Modification to Scheme Provisions Relating to Future Urban Zone

File/Ward	:	AMD 166 (All Wards)
Proposal/Issue	:	Final adoption of Amendment to introduce new provisions allowing the Residential Design Codes to be varied for new urban areas and large urban infill sites by a structure plan or detailed area plan approved by Council and the WA Planning Commission.
Subject Land/Locality	:	Nominated urban infill sites.
Proponent	:	City of Albany
Owner	:	Not Applicable
Reporting Officer(s)	:	Planning Officer (J van.Der Mescht); and Gray & Lewis (Planning Consultants)
Disclosure of Interest	:	Nil.
Previous Reference	:	OCM 15/1/08 – Item 11.3.1
Summary Recommendation	:	Amendment 166 for final approval.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council initiated Amendment 166 at its Ordinary Meeting held on the 15 January 2008.
2. The amendment seeks to include a new clause in Town Planning Scheme No 1A as follows;

“The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and /or detailed area plan approved by the Council and endorsed by the Western Australian Planning Commission”.

STATUTORY REQUIREMENTS

3. All Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005*. If Council grants final approval to the amendment it also requires endorsement by the WAPC and approval of Honourable Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

COMMENT/DISCUSSION

- 6. The amendment will provide greater flexibility for Council to support higher densities in appropriate locations and facilitate good planning design outcomes where a structure plan or detailed area plan is developed in accordance with the principles of 'Liveable Neighbourhoods'.

Advertising / Consultation

- 7. The amendment was advertised from 21 February 2008 to 8 April 2008. A total of two submissions were received as summarised in the attached Schedule of Submissions. No objections to the amendment were received.

Conclusion

- 8. The proposed amendment is supported without modifications as it will provide greater flexibility and promote Liveable Neighbourhood principles such as sustainable design and greater housing choice.

RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 166 of the City of Albany's Town Planning Scheme No. 1A by Inserting Clause 4.19 as follows:

"The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Detailed Area Plan approved by Council and endorsed by the Western Australian Planning Commission"

AND

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

Voting Requirement Simple Majority

.....

ALTERNATE MOTION BY COUNCILLOR PAVER

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 166 of the City of Albany's Town Planning Scheme No. 1A by Inserting Clause 4.19 as follows:

"The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Detailed Area Plan that clearly identifies proposed variations to the residential design codes as is approved by Council and endorsed by the Western Australian Planning Commission"

AND

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

Voting Requirement Simple Majority

.....

Reason

To ensure that proposed variations to residential design codes are clearly represented on development applications.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BUEGGE**

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 166 of the City of Albany’s Town Planning Scheme No. 1A by Inserting Clause 4.19 as follows:

“The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Detailed Area Plan that clearly identifies proposed variations to the residential design codes as is approved by Council and endorsed by the Western Australian Planning Commission”

AND

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

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

City of Albany

Town Planning Scheme No. 1A

Amendment No. 166

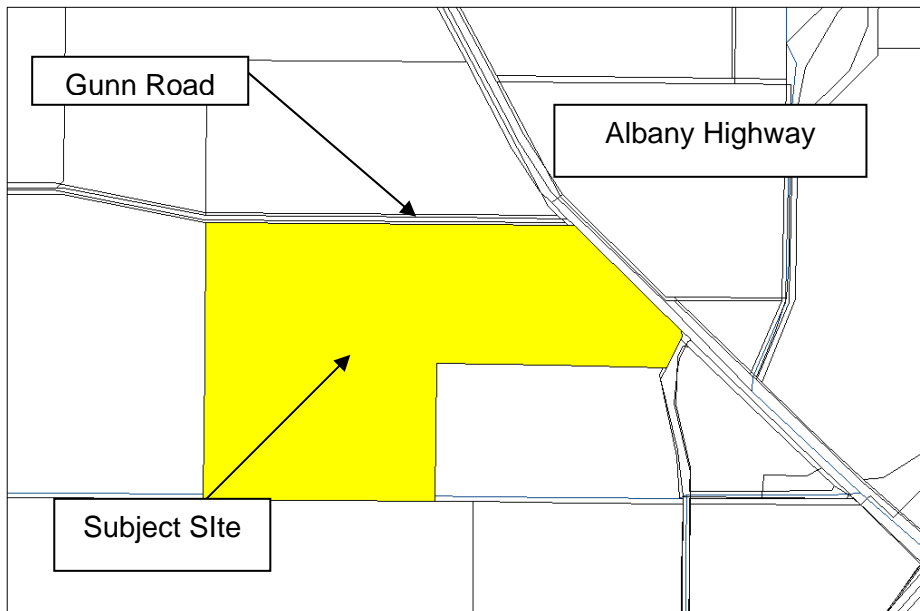
Schedule of Submissions

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY SUBMISSION	OF	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	Western Power Submission by email	Not Applicable	No Objection. 1a) Prior to any excavation Perth One Call must be contacted. 1b) Worksafe requirements must be observed when any excavation is near Western Powers assets.		Noted. This is advice only.	Dismiss.	
2.	Water Corporation PO Box 915 Albany WA 6331	Not Applicable	No Objection.		Noted.	Dismiss.	

DEVELOPMENT SERVICES REPORTS

11.3.8 Final Adoption of Scheme Amendment - Lot 2 Gunn Road, Drome

File/Ward	:	AMD 270 (West Ward)
Proposal/Issue	:	To re-zone Lot 2 Gunn Road, Drome from 'Rural' to 'Special Rural' with special conditions in Schedule 3 of the Scheme.
Subject Land/Locality	:	Lot 2 Gunn Road, Drome
Proponent	:	Loughton Patterson Architects
Owner	:	Newseason Nominees Pty Ltd
Reporting Officer(s)	:	Planning Officer (J van Der Mescht); and Gray & Lewis (Planning Consultants)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/10/2007 – Item 11.3.7
Summary Recommendation	:	Council adopt amendment 270 (with modifications)
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) was lodged in June 2006 to change the zoning of Lot 2 Gunn Road, Albany from 'Rural' to 'Special Rural' and it was considered by Council on the 15 August 2006.
2. Council advised the applicant that it was prepared to conditionally entertain the submission of a formal amendment subject to a number of matters being addressed.
3. Council formally initiated Amendment 270 on the 16 October 2007 for the purpose of public advertising.

STATUTORY REQUIREMENTS

4. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
5. If Council grants final approval to the amendment it also requires endorsement by the WAPC and Honourable Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The land is earmarked for 'Special Rural' under the Draft City of Albany Local Planning Strategy (ALPS).

COMMENT/DISCUSSION

Proposal

9. The amendment, if approved, would Re-zone Lot 2 Gunn Street, Drome from 'Rural' to 'Special Rural'; and list for the lot, permissible uses and special conditions within Schedule 3 of the Scheme.

Site Description

10. The majority of the lot has been cleared with the exception of introduced species planted to act as a wind break.
11. Larger private properties to the south and west are currently utilised for cattle grazing.
12. To the east is the Harry Riggs Albany Regional Airport and Sprint Kart track. Directly to the north lies a blue gum plantation used by the Water Corporation to disperse treated effluent.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

Development Concept

13. The re-zoning is proposed to facilitate development incorporating residential allotments, an airpark and equestrian activities.
14. The main elements of the concept plan include:
 - a. Two separate housing clusters with a common entry from Gunn Road.
 - b. One cluster of thirty five 2000m² lots will be located on the eastern portion of the site and will have their own hanger. The dwellings would be developed around a central grass landing field.
 - c. A second housing cluster consisting of forty two 2000m² lots with their own stables is centred around equestrian facilities such as exercise and agistment yards.
 - d. Larger areas of common property will be developed up front with bridle trails, grazing areas etc.
 - e. A caretaker / managers residence is included.

Public Consultation / Advertising

15. The amendment was advertised from 4 February – 17 March 2008. A total of seven submissions were received and the main issues which were identified by CASA relate to air traffic safety due to the proximity of the proposed airstrip to the aerodrome.
16. Whilst air safety is not governed by planning requirements, Council must have regard for land use compatibility and take into account the proximity of the proposed airpark with the Albany airport.
17. The Proponent has engaged an aviation consultant who has examined air safety issues by carrying out a risk assessment and recommending operational procedures to manage/ minimise any risk.
18. Gray & Lewis does not have the technical expertise to assess the issue of air traffic safety, however the applicant has liaised directly with Council Officers, particularly the Airport Manager. A separate submission has been received from the proponent on the comments of CASA. City staff have referred the information to an expert consultant for independent assessment of the information received from CASA and the aviation consultant employed by the Proponent.
19. All submissions are summarised and recommended to be upheld as per the attached Schedule of Submissions.
20. It is recommended that the amendment be progressed. The independent advice on air safety will be forwarded to the WAPC so it can be taken into account as part of their final assessment of the amendment.

RECOMMENDATION

THAT Council in pursuant to Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No.270 of the City of Albany Town Planning Scheme No. 3 by:

- i) rezoning Lot 2 Gunn Road, Drome from 'Rural' to 'Special Use' zone;
- ii) amending the Scheme maps Accordingly; and
- iii) inserting land particulars, permitted uses and special conditions within Schedule 3, Special Use Zone No.20;

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

Subject to the amending document being modified to include the following:

Inserting into schedule 3, Special Use Zone 20 the following text:

“3.4 At the time of strata Application the Western Australia Planning Commission may request a condition:

- 1. requiring the upgrading of the Albany Highway/Gunn Road intersection to the satisfaction of Main Roads WA; and*
- 2. requiring a Noise study to be completed to the satisfaction of Main Roads WA.”*

AND

THAT the independent advice on air safety be received and forwarded to the Western Australian Planning Commission with the final amending documents.

AND

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

Voting Requirement Simple Majority

.....
ALTERNATE MOTION BY COUNCILLOR WILLIAMS

THAT Council in pursuant to Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No.270 of the City of Albany Town Planning Scheme No. 3 by:

- i) rezoning Lot 2 Gunn Road, Drome from ‘Rural’ to ‘Special Use’ zone;
- ii) amending the Scheme maps Accordingly; and
- iii) inserting land particulars, permitted uses and special conditions within Schedule 3, Special Use Zone No.20;

Subject to the amending document being modified to:

- a) delete reference to the “air park”, “aircraft”, “aviation” and “landing field” from the amending documents, wherever it appears;
- b) deleting from the proposed Schedule 3 the following Permitted Uses;
 - a. Hanger; and
 - b. Airstrip / Landing Field;
- c) Deleting from the proposed Schedule 3 “Special Conditions” clause 1.6; and
- d) include the following text into Schedule 3, Special Use Zone 20;

“3.4 At the time of strata Application the Western Australia Planning Commission may request a condition:

- 1. requiring the upgrading of the Albany Highway/Gunn Road intersection to the satisfaction of Main Roads WA; and*
- 2. requiring a Noise study to be completed to the satisfaction of Main Roads WA.”*

AND

THAT Council receive the Schedule of Submissions and adopts the officer’s recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions, with the exception of submissions 1b and 1c which should be Upheld, submission 3a, 3b, 3c, 3d and 3e which should be Upheld and the Council’s Recommendation amended to read that the concerns expressed are supported by Council and the Air Park be deleted from the amending documents.

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

Reason:

The Civil Aviation Safety Authority (CASA) is definitive in its recommendation that this is not an appropriate location for an unregulated air field.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR STANTON**

THAT Council in pursuant to Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No.270 of the City of Albany Town Planning Scheme No. 3 by:

- i) rezoning Lot 2 Gunn Road, Drome from ‘Rural’ to ‘Special Use’ zone;**
- ii) amending the Scheme maps Accordingly; and**
- iii) inserting land particulars, permitted uses and special conditions within Schedule 3, Special Use Zone No.20;**

Subject to the amending document being modified to:

- a) delete reference to the “air park”, “aircraft”, “aviation” and “landing field” from the amending documents, wherever it appears;**
- b) deleting from the proposed Schedule 3 the following Permitted Uses;**
 - a. Hanger; and**
 - b. Airstrip / Landing Field;**
- c) Deleting from the proposed Schedule 3 “Special Conditions” clause 1.6; and**
include the following text into Schedule 3, Special Use Zone 20;

“3.4 At the time of strata Application the Western Australia Planning Commission may request a condition:

requiring the upgrading of the Albany Highway/Gunn Road intersection to the satisfaction of Main Roads WA; and

requiring a Noise study to be completed to the satisfaction of Main Roads WA.”

AND

THAT Council receive the Schedule of Submissions and adopts the officer’s recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions, with the exception of submissions 1b and 1c which should be Upheld, submission 3a, 3b, 3c, 3d and 3e which should be Upheld and the Council’s Recommendation amended to read that the concerns expressed are supported by Council and the Air Park be deleted from the amending documents.

**MOTION TIED 6-6
MAYOR EXERCISED CASTING VOTE
MOTION CARRIED**

DEVELOPMENT SERVICES REPORTS

City of Albany

**Town Planning Scheme No. 3
Amendment No. 270**

Schedule of Submissions

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	Main Roads WA PO Box 503 ALBANY WA 6330	Not Applicable	<p>1a) The developer previously sought Main Roads WA comments and advice was given on the conditions that would be placed on any development. They relate to</p> <ol style="list-style-type: none"> 1. The treatment of the Albany Highway and Gunn road intersections. 2. Noise study to ensure road noise levels from Albany Hwy are within acceptable limits contained within Australian standard 2107 - Acoustics 3. No stormwater discharge is to be directed into the Albany Highway drainage system. 4. No direct access to the site or onto Albany Highway. 	<p>1 The conditions can be examined at strata application stage. Any development would be referred to Main Roads for comment.</p> <p>2 Uphold. There are noise attenuation measures that can be incorporated into house design if required and this will depend on the outcome of the noise modelling.</p> <p>3 and 4 Restrictions on Access and Stormwater drainage are already addressed in the special provisions.</p>	<p>Uphold the following new clause Be inserted into schedule 3, special use Zone 20; 3.4 At the time of strata Application the western Australia Planning Commission may request a condition</p> <ol style="list-style-type: none"> 1. Requiring the upgrading of the Albany Highway/Gunn Road intersection to the satisfaction of Main Roads WA. 2. Requiring A Noise study to be completed to the satisfaction of Main Roads WA. 	
			<p>1b Main Roads is also concerned about the proximity of the proposed airfield to Albany Highway and the</p>	<p>Signage warning of low flying aircraft will need to be erected along the Highway at the</p>	<p>Noted.</p>	

DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
			applicant needs to ensure that the runway clears the height of vehicles using the highway.	applicants cost.		
			1c) The applicant will need to demonstrate to mitigate the risk of aircraft crashes that may impact on the operation of the highway.	1c The application only involves an airpark with one to two movements per day. There are a number of larger airports (eg Perth – domestic and international) which operate successfully near major roads and highways.	Noted.	
2.	Department of Water Po Box 525 Albany WA 6331	Not Applicable	2a) The property contains the watershed of the Willyung Creek to the east and the Five Mile Creek to the west, which drain into the regionally significant waterways of Oyster Harbour and Lake Powell respectively. The development of unsewered lots together with horse agistment raises concerns regarding the drainage and nutrient management.		Noted.	
			In view of potential risk to these waterways, DoW supports the scheme amendment provisions requiring ATUs for effluent disposal. 2b) A Nutrient Management	2b) Noted. This requirement is already	Noted.	

DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
			<p>Plan and concept drainage plan has been developed. DoW recommends that the drainage plan be completed as stormwater management plan and best practices be implemented as per DoW stormwater management manual.</p> <p>2c) DoW supports application of best management practice from the Environmental Guidelines for Horse Facilities and Activities 2002 for setbacks and buffers.</p>	<p>specified in the special provisions</p> <p>2c) As per 2b</p>	<p>Noted.</p>	
3.	Civil Aviation Safety Authority (CASA) PO Box 1082 Cloverdale WA 6985	Not Applicable	<p>3a) ALA's are unregulated and a pilot using any ALA is responsible for taking all aspects into account to secure the safety of the flight. CASA cannot prevent ALA's from being established.</p> <p>3b) The proposed ALA lies about 4500m to the SSE of the Albany aerodrome and 3200m of the SSE of the approach to runway 32 and take off for runway 14. Inevitably there are potential hazards where the airspace of aerodrome and the ALA interact with each other.</p> <p>3c) The Shire is the certificate holder of the Albany aerodrome</p>	<p>3a) Noted.</p> <p>3b) The applicant has undertaken a risk assessment.</p> <p>3c) It is understood that the City will obtain</p>	<p>Dismiss.</p> <p>Noted.</p>	

DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
			and as such is responsible for its maintenance and operation, including monitoring the airspace.	independent advice which will be forwarded to the WAPC.	Noted.	
			<p>3d) CASA can only place limitations on a regulated place if there is any perception that there is a risk to the safety of aircraft operations. In this instance CASA questions any decision to permit an ALA to be established in this location. There will always be the possibility of pilots unwittingly manoeuvring at similar altitudes and in close proximity.</p> <p>Whilst they may notice other aircraft they may not recognise they are following the same operating patterns. Whilst the likelihood of such circumstances may be low, the consequences would be high as Albany aerodrome has services by aircraft (up to 50 passengers) with high differentials in airspeed and size.</p>	<p>3d) Pilots have a responsibility to check safety.</p> <p>The applicant proposes procedures to minimise any risk.</p>	Noted.	
			3e) The Shire has a safety management system for the aerodrome and CASA will expect the Shire to undertake a aeronautical study of the proposal and assess the risks	3e) The risks associated with two landing fields being in close proximity to each other has been referred to the Airport Manager	Noted.	

DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
			<p>and determine whether to permit an ALA within the proximity of Albany aerodrome.</p> <p>In principle an ALA or aerodrome should generally not be within a 5 nautical mile radius of another aerodrome.</p>	and independently reviewed.		
4.	Department of Education and Training Email submission	Not applicable	No objection.	Noted.	Dismiss.	
5.	Water Corporation PO Box 915 Albany WA 6331	Not Applicable	<p>No Objection.</p> <p>The proponents will need to engage a consulting engineer to discuss with the Water Corporation the servicing of the area with reticulated water at development planning stage.</p>	This requirement is already specified in the special provisions	Noted.	
			The property is outside the boundary of the licence area so wastewater services are not available.	Noted.	Dismiss.	
6.	FESA 5 Hercules Crescent Albany WA 6330	Not Applicable	<p>6a) The requirements of Planning for Bush Fire Protection, WAPC Policy DC 3.7 and Australian Standard 3959 need to be considered for any subdivision.</p> <p>6b) As a minimum we</p>	Noted.	Dismiss.	

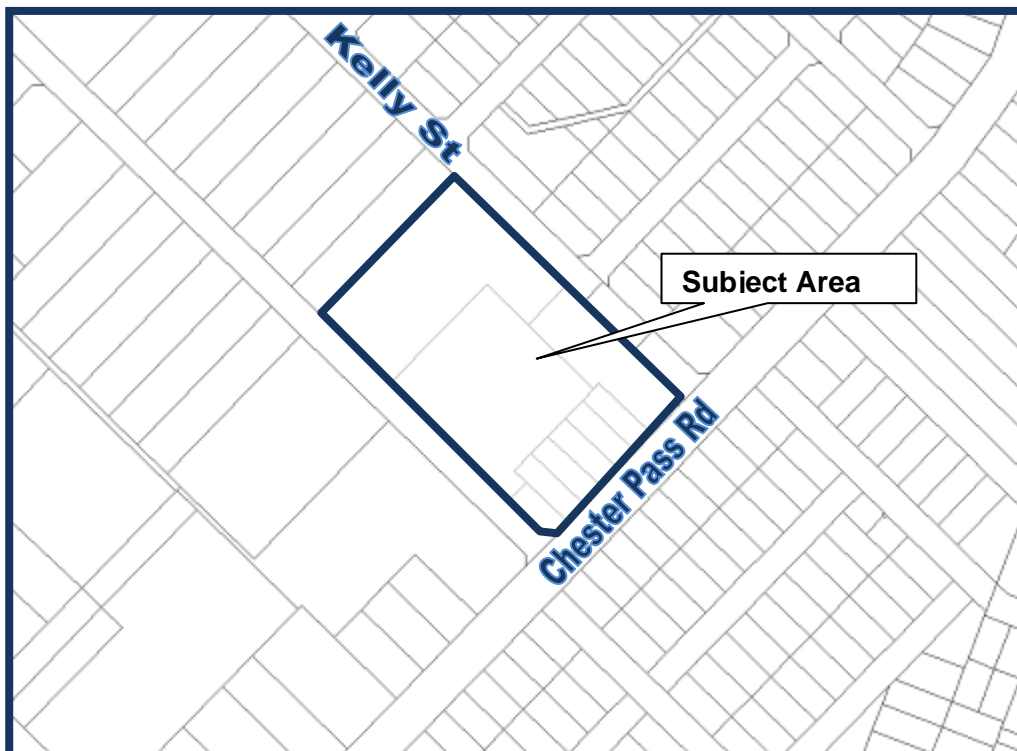
DEVELOPMENT SERVICES REPORTS

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
			recommend any development include safe ingress and egress for residents, fire hydrant installation and separation to extreme bush fire hazards. A fire management plan should be asked for in the development of this proposal.			
7.	Western Power Submission by email	Not Applicable	No Objection. a) Prior to any excavation Perth One Call must be contacted. b) Worksafe requirements must be observed when any excavation is near Western Powers assets.	Noted.	Dismiss.	
8.	DPI Strategic Biodiversity Planning	Not Applicable	Aerial photographs indicate that the majority of the site has been cleared therefore it is unlikely that the site contains regionally significant environmental values.	Noted.	Dismiss.	

DEVELOPMENT SERVICES REPORTS

11.3.9 Final Adoption of Scheme Amendment - Lots 7683 to 7688 Chester Pass Road and Lot 7146 Kelly Street, Orana

File/Ward	:	AMD 164 (West Ward)
Proposal/Issue	:	To Rezone Lots 7859, 7860, 7683-7688, Chester Pass Road, Lot 14, 15 and 7146 Kelly Street, Orana, from the “Residential R20” and “Public Use” reserve to the “Other Commercial” zone;
Subject Land/Locality	:	Lots 7859, 7860, 7683-7688, Chester Pass Road, Lot 14, 15 and 7146 Kelly Street, Orana
Proponent	:	Harley Survey Group
Owner	:	Main Roads Western Australia
Reporting Officer(s)	:	Planning Officer (J van der Mescht)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/12/2007- item 11.3.3
Summary Recommendation	:	Adopt Amendment 164 for final approval
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

BACKGROUND

1. An amendment was initiated at the December 2007 Council Meeting proposing to:
 - i) *Rezone Lot 7688 Chester Pass Road, Orana from the “Residential R20” zone to the “Other Commercial” zone;*
 - ii) *Rezoning Lots 7859, 7860, 7687, 7686, 7685, 7684 and 7683 Chester Pass Road, Orana from the “Residential R20” and “Public Use” reserve to the “Other Commercial” zone;*
 - iii) *Rezoning Lot 14, 15 and 7146 Kelly Street, Orana from a “Public Use” reserve to the “Other Commercial” zone;*
 - iv) *Amending the Scheme Maps accordingly; and*
 - v) *Amending Appendix 1 - Zoning Table to include “Public or Local Authority” as an “AA” use in the “Other Commercial”, “Central Area” and “Clubs and Institutions”.*
2. The amendment was referred to the Environmental Protection Authority (EPA), and ultimately advertised from 11 February 2008 to 8 April 2008.

STATUTORY REQUIREMENTS

3. All Scheme amendments are subject to a statutory process in accordance with the *Planning and Development Act 2005*. If Council grants final approval to the amendment it also requires endorsement by the WAPC and approval of Honourable Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. The amendment has been assessed having regard for the requirements of the Albany Local Planning Strategy (ALPS). The amendment is consistent with the strategy as:
 - i) *The lot has been earmarked as a “Mixed Business” development area in ALPS. “Other Commercial” as defined in the Town Planning Scheme 1A and as proposed is consistent to the designation in ALPS.*
 - ii) *The “Other Commercial” zone of Town Planning Scheme No.1A. allows for light industrial, showroom warehouse and bulky goods outlets.*
 - iii) *The proposal is also in line with and responds to the following strategic issues as set out in ALPS.*
 - *Settlement (Section 8.3)*
 - *Protect future fully serviced urban areas from inappropriate land uses, subdivision and development*
 - *Environment (Section 8.4)*
 - *Manage land use conflict and impacts within acceptable community standards and protect industry, infrastructure and special uses from the encroachment of incompatible uses;*

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

- *Economy (Section 8.5)*
 - *Promote economic development and encourage local employment opportunities;*
 - *Support the growth in other business activity, in the form of bulky goods outlets, office developments, consulting rooms and home businesses that are compatible with existing uses.*

COMMENT/DISCUSSION

7. The subject lots are inappropriately zoned in the context of ALPS. The proposed rezoning will see these conflicting/inappropriate zonings removed and will improve Town Planning Scheme 1A efficiency.
8. The proposal will allow for the removal of old and dilapidated housing and, with a consolidated access to Chester Pass Road, will see an improvement to the streetscape of Chester Pass Road. The removal of multiple crossovers will in addition also reduce potential traffic conflicts on Chester Pass Road.
9. The rezoning to the “Other Commercial” zone will also enable the future flexibility of land use provision over the subject site in the event that Main Roads relocate in the future. It will also be complimentary to a range of appropriate commercial uses, present in the surrounding area.
10. The proposed amendment will allow a “Public and Local Authority” land use to be a discretionary land use, approved by Council, within the “Other Commercial” zone. The *Planning and Development Act 2005* defines a “Public Authority” as:

“Public authority’ means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State Instrumentality, State public utility any other person or body, whether corporate or not, who or which under the authority of any Act, administers or carries on for the benefit of the State, a social service or a public utility.”

11. In the broader context of the City, the proposed amendment will enable the development of government style land uses within the “Other Commercial” zones. This will not be detrimental to the operation of these zones.
12. The inclusion of Public and Local Authority as a discretionary use in the “Central Area” and “Clubs and Institutions” zone will allow greater flexibility to the discretion of Council in the placement of public and local authority facilities.

Advertising / Consultation

13. In response to the advertisement and referral (2) responses were received from Western Power and Water Corporation both of which briefly states that they do not object to the proposed amendment. These comments are included in the attached Schedule of Submissions.

Conclusion

14. The merits of this application have been assessed and the amendment as proposed can be supported without any modifications.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 164 of the City of Albany’s Town Planning Scheme No. 1A by:

- i) Rezoning Lot 7688 Chester Pass Road, Orana from the “Residential R20” zone to the “Other Commercial” zone;
- ii) Rezoning Lots 7859, 7860, 7687, 7686, 7685, 7684 and 7683 Chester Pass Road, Orana from the “Residential R20” and “Public Use” reserve to the “Other Commercial” zone;
- iii) Rezoning Lot 14, 15 and 7146 Kelly Street, Orana from a “Public Use” reserve to the “Other Commercial” zone;
- iv) Amending Appendix 1 – Zoning Table to include “Public or Local Authority” as an ‘AA’ use in the “Other Commercial”, “Central Area” and “Clubs and Institutions” zones; and
- v) Amending the Scheme Maps accordingly.

AND

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

Voting Requirement Simple Majority

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to adopt Amendment No. 164 of the City of Albany’s Town Planning Scheme No. 1A by:

- i) Rezoning Lot 7688 Chester Pass Road, Orana from the “Residential R20” zone to the “Other Commercial” zone;**
- ii) Rezoning Lots 7859, 7860, 7687, 7686, 7685, 7684 and 7683 Chester Pass Road, Orana from the “Residential R20” and “Public Use” reserve to the “Other Commercial” zone;**
- iii) Rezoning Lot 14, 15 and 7146 Kelly Street, Orana from a “Public Use” reserve to the “Other Commercial” zone;**
- iv) Amending Appendix 1 – Zoning Table to include “Public or Local Authority” as an ‘AA’ use in the “Other Commercial”, “Central Area” and “Clubs and Institutions” zones; and**
- v) Amending the Scheme Maps accordingly.**

AND

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

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

City of Albany

Town Planning Scheme No. 1A

Amendment No. 164

Schedule of Submissions

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	Western Power Submission by email	Not Applicable	No Objection. 1a) Prior to any excavation Perth One Call must be contacted. 1b) Worksafe requirements must be observed when any excavation is near Western Powers assets.	Noted. This is advice only.	Dismiss.	
2.	Water Corporation PO Box 915 Albany WA 6331	Not Applicable	No Objection.	Noted.	Dismiss.	

DEVELOPMENT SERVICES REPORTS

11.3 RESERVES PLANNING

11.4.1 South Coast Management Group – Appointment of Community Members

File/Ward	:	MAN 177 (All Wards)
Proposal/Issue	:	Appointment of two Community Members to the South Coast Management Group
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council appoint two Community Members to the South Coast Management Group
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council is represented by two Councillors and two community members on the South Coast Management Group.
2. An advertisement was placed in the newspaper on 21 and 28 February 2008 inviting “expressions of interest” from persons interested in becoming community representatives for the next two years on the South Coast Management Group. Expressions of interest closed on 13 March 2008.
3. Two community members were needed for the group and two expressions of interest were received.

STATUTORY REQUIREMENTS

4. Council has agreed to appoint a total of four (4) representatives to the South Coast Management Group.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The community members will be covered for insurance purposes when attending meetings, etc.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

- 8. The two nominees are Brad Kneebone and Samantha Rayner. Mr Kneebone is a current community representative on the Committee and is actively involved in the management of the Lowlands Reserve as part of the Lowlands Coastcare Group and he is an active member of the Youngs Siding Progress Association and a past member of the Wilson Inlet Authority. Previously Brad worked in the mining industry.
- 9. Samantha Rayner is a previous coordinator of the Environmental Flows and Coastal Marine Reference Group, working for the Murray Darling Basin NRM Board (SA), she is a Regional Land Facilitator working part time for South Coast NRM, an executive officer for the Fitzgerald Biosphere Group and has worked as an environmental officer for private consultancy firms. Samantha’s interest lie primarily in the eastern portion of the District, whilst Brad’s interests are primarily to the west.

RECOMMENDATION

THAT Council resolves to appoint Mr Brad Kneebone and Ms Samantha Rayner as the City of Albany community members to the South Coast Management Group.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT Council resolves to appoint Mr Brad Kneebone and Ms Samantha Rayner as the City of Albany community members to the South Coast Management Group.

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

Councillor Buegge left the chamber at 9.00pm.

11.5 EMERGENCY MANAGEMENT**11.5.1 Adoption of Council Policy – Radio Communication Allocation to Brigade Members**

File/Ward	:	PRO 080; REL 079 (All wards)
Proposal/Issue	:	Policy to Define Radio Communication Allocation to Brigade Members.
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Emergency Management Co-ordinator (B de Vries)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/12/07 – Item 11.5.1
Summary Recommendation	:	Council adopt the proposed policy.
Bulletin Attachment	:	Radio Communication Allocation to Brigade Members Policy
Locality Plan	:	N/A

BACKGROUND

1. The Fire and Emergency Services Authority (FESA) is introducing a state-wide inter-agency inter-operable radio network, named as the Western Australian Emergency Radio Network (WAERN) project. The City of Albany currently operates over 70 radio base stations, 120 mobile radios, 50 hand held radios and 40 pagers, representing a capital replacement cost in excess \$250,000. In introducing a new radio network, FESA is replacing existing radios in the City network with radios of the new system.
2. At its December meeting, Council resolved:

“THAT a working party be formed as a matter of urgency, comprising four brigade Fire Control Officers and the Deputy Bush Fire Control Officers from the South West and the North East sectors, together with the Emergency Management Coordinator and representatives from FESA, to develop a radio replacement strategy for the City of Albany and that the working party report back to a specially convened meeting of this committee to be held no later than February 2008”
3. The policy was prepared and was submitted to the Bush Fire Advisory Committee (a forum for brigades to discuss issues affecting operational requirements) and the policy was adopted by that committee. It was referred to Council’s Bush Fire Management Committee, but the meeting was not able to debate the policy due to the lack of a quorum. The ‘rollout’ of the radios should already be commenced and this item is submitted for Council consideration due to potential delays in scheduling a meeting of the Management Committee or the Planning & Environment Strategy and Policy Committee and referring minutes to Council.

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

4. This policy sets a standard for which radios should be replaced, with consideration to operational requirements, standardisation across the City's bush fire brigades and the financial implications of maintenance of the network into the future. The installation of radios needs to commence immediately so that training can be undertaken in the "off season" and the volunteers are fully operational for the 2008/09 fire season.

STATUTORY REQUIREMENTS

5. Under the Western Australian State Emergency Management Arrangements and the Bush Fires Act, the City of Albany is responsible for the suppression of bush fires in the majority of its land areas. This includes the requirement to maintain its communications network. FESA, as the Authority, sets standards for matters such as radio communication across Western Australia.

POLICY IMPLICATIONS

6. This item seeks to implement a new policy to define the level of radio equipment to be maintained into the future as part of the Bush Fire radio network.

FINANCIAL IMPLICATIONS

4. The City of Albany is responsible for maintaining its bush fire radio network. The costs of replacement of equipment to the new WAERN system will be borne by FESA. The cost of maintaining the new equipment and equipment will be managed by the City, using funds from the Emergency Services Levy (ESL). Currently FESA maintains the radio repeaters at Willyung Hill and Green Range and this will continue with the new radio network.

STRATEGIC IMPLICATIONS

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

“Community Vision:

- *Excellent community infrastructure and service”.*

COMMENT/DISCUSSION

6. The City of Albany has a responsibility to ensure the maintenance of its fire fighting equipment, including the bush fire radio network. Over an extended period, the number of base station and mobile radios has expanded and some units are being maintained, but are not required for operational purposes.
7. In introducing a new radio network, FESA is replacing existing radios in the City network with radios of the new system. The cost of the replacement will be met by the WAERN project, and the maintenance of the new radios will be managed by the City of Albany, using funds from the Emergency Services Levy.

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued.

8. The City of Albany is proposing a policy that outlines allocation of radios to brigade members in order to:

- define which radios can be justifiably replaced;
- specify which officers in the bush fire brigades should have radios; and
- ensure that the City of Albany is able to effectively manage its bush fire radio network into the future.

RECOMMENDATION

THAT Council adopts and implements the policy entitled Radio Communication Allocation to Brigade Members.

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT Council adopts and implements the policy entitled Radio Communication Allocation to Brigade Members.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

11.5.2 Appointment of Chief Bush Fire Control Officer

File/Ward	:	REL 079 (All Wards)
Proposal/Issue	:	Appointment of Chief Bush Fire Control Officer
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Emergency Management Coordinator (B de Vries)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Seek Expressions of Interest from Persons Wishing to be Chief Bush Fire Control officer
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. When the Chief Bush Fire Control Officer, Mr Charlie Butcher, was no longer able to take on the responsibilities of the role due to illness, the City appointed Mr Kevin Martin to fill the position. Now that the 2007/08 fire season is more or less over, Mr Martin no longer wishes to fill the position and has tendered his resignation.

STATUTORY REQUIREMENTS

2. Under Section 38 of the *Bush Fires Act 1954*, the City of Albany is required to appoint a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. The position has been a voluntary position in the past and the City meets some of the costs (travel, phone) incurred by the appointed person.

STRATEGIC IMPLICATIONS

5. There are no strategic implications relating to this item

DEVELOPMENT SERVICES REPORTS

Item 11.5.2 continued

COMMENT/DISCUSSION

6. Under Section 38 of the *Bush Fires Act 1954*, the City of Albany is required to appoint a Chief Bush Fire Control Officer (CBFCO) for its district. The position of CBFCO is one, not only of legal necessity, but of liaison between brigades, the Deputy Chief Bush Fire Control Officers, City staff and staff of other Government agencies. Understandably, the position requires a person with suitable capabilities and attributes to undertake the role. Currently, the position is a volunteer role and in some local authorities the position has been filled by either a staff member or a Councillor; those options have previously been resisted by Council as it creates a divide between the volunteers and the person appointed to represent them.
7. At the recent Bush Fire Advisory Committee (BFAC) meeting, there were three persons nominated for the position of CBFCO, but none of the nominees accepted their nomination. There have been a number of options presented to Staff since the BFAC, but it is desirable to have a more formalised selection process put in place.

RECOMMENDATION

THAT Council:

- i) call for the nomination of persons wishing to take on the role of the Chief Bush Fire Control Officer for the City of Albany; and
- ii) appoints Mr Kenneth Johnson (Deputy Chief Bush Fire Control Officer – South West) to the position of Chief Bush Fire Control Officer, for the period up to the 31st August 2008, while the position of Chief Bush Fire Control Officer is advertised and a suitable incumbent is appointed.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT Council:

- i) call for the nomination of persons wishing to take on the role of the Chief Bush Fire Control Officer for the City of Albany; and**
- ii) appoints Mr Kenneth Johnson (Deputy Chief Bush Fire Control Officer – South West) to the position of Chief Bush Fire Control Officer, for the period up to the 31st August 2008, while the position of Chief Bush Fire Control Officer is advertised and a suitable incumbent is appointed.**

MOTION CARRIED 11-0

Councillor Buegge returned to the Chamber at 9.01pm.

DEVELOPMENT SERVICES REPORTS

11.6 DEVELOPMENT SERVICE COMMITTEES

11.6.1 Planning and Environment Strategy and Policy Committee Meeting – 16th April 2008

File/Ward	:	MAN 235 (All Wards)
Proposal/Issue	:	Committee Item for Council Consideration
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Summary Recommendation	:	That the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 16 April 2008 be received
Bulletin Attachment	:	Nil

OFFICERS COMMENTS:

1. During the discussion on the issue of a Car Parking Strategy, the following Motion was passed unanimously by the Committee:

“THAT staff be requested to bring back the discussion paper on Car Parking – Central Business District (CBD) to the next Committee Meeting, with the following elements included:

- a) The existing and projected car parking yield that could be accommodated if the private car parking areas in the CBD were rationalised.*
- b) The areas of parking congestion in the CBD are examined through a car parking audit to get an understanding of where the areas of highest parking demand are located.*
- c) An analysis of the estimated future car parking needs and where and how they can be accommodated within the CBD.”*

2. Staff cannot comply with this motion within the timeframe provided due to other work priorities, the considerable amount of work that would be required to undertake an evaluation of parking options, design potential solutions and calculate development scenarios on land in the CBD. A budget is also not available to undertake a parking audit and detailed audits require considerable resources to complete. Staff estimate that a minimum of eight weeks would be required and a minimum budget of \$10,000 to undertake the audit.

RECOMMENDATION

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 16 April 2008 be received (A copy of the minutes follows this report).

Voting Requirement Simple Majority

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 16 April 2008 be received (A copy of the minutes follows this report).

MOTION CARRIED 12-0



MINUTES

PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE

Held on
Wednesday, 16th April 2008
12.00pm

City of Albany Margaret Coates Boardroom

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DEVELOPMENT SERVICES REPORTS

1.0 DECLARATION OF OPENING

The Chairperson, Joy Matla, declared the meeting open at 12.05pm.

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

Attendances:

Mayor -

Councillors -

MJ Evans, JP

J Matla (Chairperson)

C Morris

K Stanton

N Williams

Manager Planning & Ranger Services

G Bride

Strategic Planning Officer

A Nicoll

Personal Assistant to EDDS

M Bosworth

Observers:

Councillor

D Price

R Paver

Executive Director Corporate & Community Services

P Madigan

Manager Customer Services

B Parker

3.0 APOLOGIES

Apologies were received from Councillor Buegge and Robert Fenn.

4.0 DECLARATION OF INTEREST

Nil

5.0 INFORMATION SESSION - YORK STREET MASTERPLAN

Patric de Villiers provided the meeting with an overview of the York Street Masterplan and Options report and reported on the public questionnaire responses. Patric expects the Masterplan to be available within the next few months. Copies of the Options report were tabled.

Peter Madigan and Bill Parker exited the meeting at 1.00pm

DEVELOPMENT SERVICES REPORTS

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR WILLIAMS**

THAT the Minutes of the Planning and Environment Strategy and Policy Meeting of 19 March 2008 as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 6-0

7.0 TOURISM STRATEGY

The Manager Planning & Ranger Services (MPRS) and the Strategic Planning Officer (SPO) tabled the draft individual site tourism assessments for twenty six (26) identified sites. The SPO went through one of the assessment sheets to explain the rationale behind the assessment criteria and how staff arrived at a recommendation for each site. The SPO also explained the three assessment categories being Local Strategic, Prime and Suitable. The MPRS explained that the recommendations associated with each site, once adopted as part of a Tourism Strategy, will be relied upon when developing tourism provisions and zonings in Council's new Community Planning Scheme. The MPRS advised at the meeting that the last three (3) assessment sheets will be completed and circulated to Committee members.

It was resolved that the assessment sheets be considered at the next Committee Meeting.

8.0 CAR PARKING STRATEGY

The MPRS explained that the purpose of the discussion paper was to inform Councillors of the existing legislative environment and to identify current issues associated with parking provision.

Considerable debate was undertaken by Committee members, with various views expressed on whether there was a parking problem. Concern was raised over the lack of coordination of private off-street parking, particularly behind York Street and there was a desire by the Committee to investigate the option to encourage landowners to work together to rationalise these parking areas. The Committee perceived there was a role for Council to play to help coordinate and promote this improvement despite the land being in private ownership.

The Committee believed that additional information was required in the discussion paper to help guide the debate.

**MOVED MAYOR EVANS
SECONDED COUNCILLOR MORRIS**

THAT staff be requested to bring back the discussion paper on Car Parking – Central Business District (CBD) to the next Committee Meeting, with the following elements included:

- d) The existing and projected car parking yield that could be accommodated if the private car parking areas in the CBD were rationalised.**
- e) The areas of parking congestion in the CBD are examined through a car parking audit to get an understanding of where the areas of highest**

DEVELOPMENT SERVICES REPORTS

- parking demand are located.
- f) **An analysis of the estimated future car parking needs and where and how they can be accommodated within the CBD.**

MOTION CARRIED 6-0

9.0 SUITABILITY OF MEETING TIME

Councillor Williams questioned the suitability of the current meeting day and time as Councillor Buegge is unable to attend meetings during the day. The MPRS advised the Committee that Councillor Buegge would be able to attend after 4:00pm on Tuesdays or Thursdays. General discussion followed and it was decided that no change to the meeting time would be made.

10.0 MATTER FOR CONSIDERATION AT NEXT COMMITTEE MEETING

- 10.1 Car Parking Strategy
- 10.2 Tourism Strategy
- 10.3 Draft Public Open Space Policy

11.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 2.40pm.

Corporate & Community Services

REPORTS

- REPORTS -**12.1 FINANCE****12.1.1 List of Accounts for Payment**

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

STATUTORY REQUIREMENTS

1. 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 had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.
2. The Chief Executive Officer has delegated authority to authorise payments.
3. 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 should be presented to Council meetings and recorded in the minutes.

COMMENTS / DISCUSSION

4. The list of accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.
5. A summary of payments is as follows:

Municipal Fund		
Cheques	Totalling	\$121,509.47
Electronic Fund transfer	Totalling	\$3,790,048.74
Credit Cards	Totalling	\$11,533.76
Payroll	Totalling	\$663,217.00
Total		<u>\$4,586,308.97</u>

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

6. As at the 2nd May 2008, the total outstanding creditors, stands at \$225,249.41.
7. Cancelled cheques – 24125, 24146 and 24178.

RECOMMENDATION

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report/Information Bulletin be received.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report/Information Bulletin be received.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 Financial Activity Statement – Month Ending (30 April 2008)

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	Financial Activity Statement
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	The Financial Activity Statement be received.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The monthly Financial Activity Statement has been prepared, and forms part of this item.

STATUTORY REQUIREMENTS

2. Section 34 of the Local Government (Financial Management) Regulations 1996 provide:
 - 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;*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

- b) *an explanation of each of the material variances referred to in subregulation (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”*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

The City of Albany is committed to providing Sound Governance.

Priority Projects:

Nil”

COMMENT/DISCUSSION

- 6. The following major variances from the current budget have been identified:

Capital Income

Proceeds from land sales	(213,487)
Reduced valuations due to market changes (Auction raised \$150,000 above valuation)	

Waterfront Bridge	2,181,818
– Contribution ex WA Government (non cash)	

Contributions to works – Transferred from Trust to Reserves	481,000
--	---------

Capital Expenditure

Waterfront Bridge	2,181,818
– Contribution ex WA Government (non cash)	

Item 12.1.2 continued

RECOMMENDATION

THAT the Financial Activity Statement for the month ending 30 April 2008 be received.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT the Financial Activity Statement for the month ending 30 April 2008 be received.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT

Apr-08

Current Budget Total Year		Actual Year to Date 30-Apr-08	Current Budget Year to Date 30-Apr-08	Budget Variance
	OPERATING INCOME			
17,865,964	Rates	17,884,784	17,832,634	52,150
2,974,724	Grants & Subsidies	2,313,249	2,263,020	50,229
8,061,657	Fees & Charges	6,548,822	7,036,336	(487,514)
1,136,301	Interest Earned	1,096,861	1,012,259	84,602
742,823	Other Revenue / Income	817,271	769,040	48,231
	Net Controlled Trust Revenue	(232,321)		(232,321)
30,781,469		28,428,666	28,913,289	(484,623)
	OPERATING EXPENDITURE (excluding depreciation)			
(11,757,184)	Employee Costs	(9,352,080)	(9,917,918)	565,838
(805,101)	Utilities	(565,173)	(612,676)	57,703
(1,168,788)	Interest Expenses	(531,487)	(551,852)	20,365
(12,245,625)	Contracts, materials & other	(8,050,892)	(8,994,948)	944,054
(25,976,678)		(18,489,611)	(20,077,592)	1,587,981
	CAPITAL INCOME			
4,135,769	Grants & Subsidies	1,704,892	1,600,671	104,221
8,042,800	Contributions, Reimb & Donations, Other	4,301,219	1,202,092	3,099,127
5,386,470	Proceeds from sale of assets	1,429,259	1,250,000	179,259
	Other Income	1,087,708	1,301,195	(213,487)
17,565,039		8,523,078	5,353,958	3,169,120
	CAPITAL EXPENDITURE			
(5,559,625)	Asset Masterplans	(4,189,762)	(3,418,962)	(770,780)
(10,156,946)	ALAC Redevelopment	(8,963,792)	(9,156,946)	193,154
(2,939,288)	Plant Replacement	(2,485,961)	(2,423,031)	(62,930)
(7,303,800)	Developers' Subdivisions			
(4,490,441)	Other Capital	(4,486,507)	(2,235,994)	(2,250,513)
(30,450,100)		(20,126,022)	(17,234,953)	(2,891,069)
	CASH FLOWS FROM FINANCING ACTIVITIES			
(4,030,083)	Loan Principal Repayment	(522,724)	(423,423)	(99,301)
58,952	Loan Principal Reimbursements	31,491		31,491
8,029,000	Proceeds from new loans	2,600,000	2,600,000	
4,057,869		2,108,767	2,176,577	(67,810)
	OTHER BALANCE SHEET ITEMS			
	Change in stock position	(58,422)		
	Change in Debtors	53,602		
	Change in Creditors	(2,505,001)		
		(2,509,821)		
	NET CASH FLOW	(2,064,943)		
	Opening balance	17,673,710		
	NET FUNDS AT BALANCE DATE	15,608,767		

Funds Summary

Municipal Account (Commonwealth Bank)	2,194,118
Reserve Account (Commonwealth Bank)	1,836,043
Trust Account (Commonwealth bank)	1,939,214
Fixed Term Investments (Aust Banks) Muni	2,059,374
Fixed Term Investments (Aust Banks) Reser	1,078,731
Financial Instruments (at June 07 Valuation)	6,501,286
Total Bank / Investments	15,608,767

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

CITY OF ALBANY

BALANCE SHEET

30-Apr-08

	Actual 30-Apr-08	Budget 30-Jun-08	Actual 30-Jun-07
CURRENT ASSETS			
Cash	4,253,492	1,271,680	1,574,493
Restricted cash (Trust)	1,939,214	2,146,786	2,376,093
Reserve Funds - Financial Assets (at cost)	6,501,286	4,795,204	13,723,123
Reserve Funds - Other	2,914,774		
Receivables & Other	2,439,903	2,450,742	2,524,996
Investment Land	1,115,000	1,130,000	1,115,000
Stock on hand	719,348	750,000	660,926
	19,883,018	12,544,412	21,974,632
CURRENT LIABILITIES			
Borrowings	328,360	1,060,904	851,084
Creditors prov - Annual leave & LSL	1,623,786	2,051,208	1,609,095
Trust Liabilities	1,908,636	1,900,000	2,113,195
Creditors prov & accruals	1,085,334	2,784,874	3,316,038
	4,946,115	7,796,986	7,889,412
NET CURRENT ASSETS	14,936,902	4,747,426	14,085,220
NON CURRENT ASSETS			
Receivables	200,760	154,350	200,760
Pensioners Deferred Rates	258,533	274,279	258,533
Investment Land	2,150,000	2,150,000	2,150,000
Property, Plant & Equip	237,190,775	257,343,029	226,276,699
	239,800,069	259,921,658	228,885,993
NON CURRENT INVESTMENTS			
Local Govt House Shares	19,501	19,501	19,501
NON CURRENT LIABILITIES			
Borrowings	22,157,787	28,746,884	19,557,787
Creditors & Provisions	149,790	230,000	234,219
	22,307,578	28,976,884	19,792,006
NET ASSETS	232,448,895	235,711,701	223,198,707
EQUITY			
Accumulated Surplus	204,743,432	212,141,863	190,676,982
Reserves	8,930,829	4,795,204	13,747,092
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	232,448,895	235,711,701	223,198,707

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 continued

CITY OF ALBANY

INCOME STATEMENT FOR THE PERIOD ENDED

30-Apr-08

(a) Function / Activity

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
General Purpose Funding	21,286,784	21,819,463	21,351,621
Governance	87,572	76,800	278,427
Law Order & Public Safety	226,991	468,717	295,670
Health	18,114	47,500	49,873
Education & Welfare	556,532	775,772	664,115
Community Amenities	3,982,198	5,576,700	3,940,231
Recreation and Culture	2,086,301	5,675,585	2,349,058
Transport	6,375,429	11,542,352	9,451,800
Economic Services	493,822	3,558,600	1,168,592
Other Property and Services	1,115,134	551,080	1,089,906
	36,228,878	50,092,569	40,639,293
EXPENDITURE			
General Purpose Funding	202,936	405,263	602,000
Governance	3,644,998	2,293,724	2,230,643
Law Order & Public Safety	900,633	1,252,434	1,210,826
Health	292,496	399,729	413,043
Education & Welfare	849,071	1,222,911	957,737
Community Amenities	3,892,125	6,354,109	5,406,069
Recreation and Culture	5,333,903	8,052,444	6,990,788
Transport	10,019,715	13,454,248	12,617,408
Economic Services	842,304	1,911,203	1,968,601
Other Property and Services	1,000,509	375,976	489,107
	26,978,690	35,722,041	32,886,220
Change in net assets from operations	9,250,188	14,370,528	7,753,072

(b) Nature / Type

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
Rates	17,884,409	17,786,405	16,720,703
Grants & Subsidies	5,576,926	10,564,472	7,666,764
Contributions, Reimb & Donations	3,082,890	8,417,684	5,391,320
Fees & Charges	6,550,655	8,026,820	7,502,688
Interest Earned	1,156,857	1,145,058	1,484,777
Profit (loss) on asset disposal	30,844	3,615,230	735,816
Other Revenue / Income	4,577,788	14,009,485	8,174,508
less: applicable to loan capital	(2,631,491)	(13,472,585)	(7,037,284)
	36,228,878	50,092,569	40,639,293
EXPENDITURE			
Employee Costs	10,827,736	12,844,626	12,758,807
Utilities	556,314	537,726	839,629
Interest Expenses	619,083	1,371,125	1,048,582
Depreciation on non current assets	7,794,055	9,840,000	9,164,626
Contracts & materials	24,950,304	45,144,850	28,015,358
Insurance expenses	451,963	384,837	389,791
Other Expenses	2,408,506	12,641,624	5,568,108
less: capital works & loan capital repayment	(20,629,271)	(47,042,747)	(24,898,680)
	26,978,690	35,722,041	32,886,220
Change in net assets from operations	9,250,188	14,370,528	7,753,072

ORDINARY COUNCIL MEETING MINUTES – 20/05/08
 ** REFER DISCLAIMER **
 CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

Portfolio Valuation - Market Value										Summary of Invested Funds			Latest Monthly Variation	Income Paid to Date
Security	Credit Rating S & P	Maturity Date	Volume Held	Security Cost	Current Interest %	Market Value Jan-08	Market Value Feb-08	Market Value Mar-08 (excl accrued interest)	Market Value Apr-08	Market Value	Market Value	Market Value		
MUNICIPAL ACCOUNT														
CBA - Term Deposit	A1	18/03/2008	n/a	3,076,197	7.02%	3,076,197	3,076,197							36,080
CBA - Term Deposit	A1	17/03/2008	n/a	3,100,000	6.93%	3,100,000	3,100,000							107,121
CBA - Term Deposit	A1	18/04/2008	n/a	3,112,287	n/a	n/a		3,112,287						19,957
BankWest Term Deposit	A1	8/02/2008	n/a	2,000,000	7.03%	2,000,000	2,046,225							86,427
BankWest Term Deposit	A1	11/03/2008	n/a	2,046,225	7.33%	2,046,225								13,150
BankWest Term Deposit	A1	9/05/2008	n/a					2,059,374						324,550
Other - Including bank Balances														587,295
TOTAL MUNICIPAL ACCOUNT				11,334,709		8,176,197	8,222,422	5,171,662	2,059,374	2,059,374				
RESERVES ACCOUNT														
BANK - TERM DEPOSITS														
Bendigo bank - Term Deposit	A2	19/05/2008		1,078,731	7.42%	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	51,334
COMMERCIAL SECURITIES				1,078,731		1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	51,334
Suncorp Metway FRN	A	22/06/2018	500,000	501,925	6.23%	485,245	497,330	487,075	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	27,481
Suncorp Metway Sub Debt	A	22/06/2018	800,000	801,128	8.11%	781,232	778,895	759,776	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	43,485
St George Bank Sub Debt	A*	26/07/2016	500,000	500,370	7.61%	483,980	482,120	478,310	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	43,203
Macquarie Bank Sub Debt	A	15/09/2014	500,000	505,055	6.23%	473,880	464,715	451,315	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	27,388
ANZ Principal Protected Yield Curve	AA	17/07/2017	200,000	200,000	8.26%	185,432	183,424	182,346	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	12,432
Sephir (Endeavour) AAA	AAA	4/08/2011	400,000	407,628	8.73%	381,416	345,992	347,356	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	24,129
Magnolia (Flinders) AA	AA	20/03/2012	170,000	171,229	9.28%	125,820	95,409	110,976	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	10,657
Zircon (Marrubula) AA	AA	20/06/2013	1,000,000	1,000,000	9.28%	284,105	282,870	249,525	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	31,611
Zircon (Coolangalla) AA	AA	20/06/2014	1,000,000	1,000,000	9.08%	562,990	572,230	503,890	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	62,367
Start (Blue Gum AA-) AA	AA	22/06/2013	275,000	275,991	9.18%	184,489	181,093	161,283	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	17,184
Consair (Kalkadu) AA	AA	20/03/2014	275,000	273,158	8.78%	135,581	137,538	120,684	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	16,208
Helium (C=Scarborough AA)	AA	23/06/2014	600,000	601,266	9.08%	382,942	360,296	343,494	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	36,845
Beryl (AAA/Global Bank Note)	AAA	20/09/2014	200,000	200,000	8.38%	176,038	162,512	161,936	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	11,403
SUB PRIME MORTGAGES				5,938,650		4,622,030	4,575,427	4,367,946	5,512,387	5,512,387	5,512,387	5,512,387	5,512,387	364,213
SPRC (Federation AAA)	CCC	10/02/2047	500,000	500,000	8.51%	84,215	65,850	75,710	Not yet avail	Not yet avail	Not yet avail	Not yet avail	Not yet avail	28,934
Portfolio Cost / Other income				500,000		84,215	65,850	75,710						28,934
TOTAL RESERVE ACCOUNT				7,517,380		5,794,976	5,720,008	5,512,387	5,512,387	5,512,387	5,512,387	5,512,387	5,512,387	40,184
PORTFOLIO TOTAL				18,852,089		13,961,173	13,942,429	10,684,048	10,684,048	10,684,048	10,684,048	10,684,048	10,684,048	484,666
														1,071,951

Note 1: Market values reduction in March 08 offset by \$ 123,000 quarterly Coupon interest paid to City.

CORPORATE & COMMUNITY SERVICES REPORTS**12.1.3 Differential Rates 08/09**

File/Ward	:	FIN 069 (All Wards)
Proposal/Issue	:	Differential Rates 2008/09
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council advertise for public comment on GRV differential rates for 2008/09
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. In 2007, the Valuer General's Office (Landgate), completed the revaluation of all Gross Rental Value (GRV) properties in the City of Albany.
2. The bases of the GRV valuations are as follow:
 - **Occupied property** - the anticipated rental return from the property were it to be rented to a third property
 - **Vacant land** - 5% of the capital value of the land including improvements such as retaining walls, fences etc.
3. The new valuations reflected the current state of the market with the average occupied property increasing by 30% and vacant land increasing by 190%.
4. In the 2007/08 Budget, Council agreed to adopt a differential rate for vacant GRV land which was 50% of the occupied rate.

STATUTORY REQUIREMENTS

5. Section 6.33 of the Local Government Act (1995) allows a local government to impose a differential general rate based on the zoning and/or land use of the property. Section 6.36 (1) requires a local government which is considering the imposition of a differential general rate to give local public notice of its intention and allow a period of 21 days for public submissions. Prior to adopting the proposed rate, Council is required to consider all submissions received within the time allowed.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 7. There are no financial implications for the City of Albany in 2008/09. The longer term impact of failure to introduce differential rates would be the elimination of most future rates growth due to building activity, which is assumed to be \$300,000 - \$400,000 per year in the Business Plan.

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

The City of Albany is committed to sustainably managing Albany’s municipal assets, delivering excellent community services and providing sound governance.

Priority Projects:

Nil”

COMMENT/DISCUSSION

- 9. The imposition of differential rates in 2007/08 was favourably received by most ratepayers, and maintained the City’s rates base.
- 10. It is proposed that Council again consider the imposition of a differential rate on vacant land, advertise its intention for a period of 21 days, and consider any responses at a Council meeting prior to budget adoption.

RECOMMENDATION

THAT Council advertise for public comment its intention to impose differential rates for Gross Rental Value properties.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT Council advertise for public comment its intention to impose differential rates for Gross Rental Value properties.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.4 2007/2008 Third Quarter Budget Review

File/Ward	: FIN 047 (All Wards)
Proposal/Issue	: Council requested to adopt the Third quarter Budget Review
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager – Finance (S Goodman)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council adopt the 2007/08 Third quarter budget review.
Bulletin Attachment	: Budget summary including proposed review adjustments
Locality Plan	: N/A

BACKGROUND

1. Council officers have reviewed the operating results for their areas together with determinations by Council for the first nine months of the 2007/08 financial year.
2. Variances in the anticipated full year results have been identified.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Council has adopted a balanced budget for 2007/2008 and resolved to transfer any budget surplus into the master plan Funding Reserve. If there were an end of year deficit, it would require funding from the following year's budget.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.4 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. The original balanced budget has been adjusted by decisions made by Council since July 2007. The review conducted by officers in April 2008 identified savings, deferred projects and additional costs. The projected net surplus for 2007/08 is \$9,736. This excludes the impact of a possible provision for reduced market values of the “Grange” investments.

	Original Budget 07/08	Current Approved Budget	Proposed Budget	Variance
General Management	2,289,098	2,062,709	2,009,665	(53,044)
Corporate/Community Service	5,930,909	5,257,678	5,247,890	(9,787)
Development Service	1,912,972	1,957,097	1,957,863	766
Works/Service	9,656,485	10,613,339	10,561,811	(51,528)
General Purpose Income	(21,310,263)	(21,461,799)	(21,540,085)	(78,286)
Loans	1,520,799	1,520,799	1,520,799	0
T/F Trust to Reserve			232,321	232,321
TOTAL	0	(50,177)	(9,736)	40,441

8. A comprehensive list of the proposed reallocations is contained in the Elected Members Report and Information Bulletin. A further review will be conducted in April 2008.
9. The following is information on significant proposed adjustments:
- a) Reduced planning income due to a lower level of planned development in Albany - \$70,000. Building licence fees up \$ 40,000.
 - b) Employee Attraction & Retention \$ 51,250.saving.
 - c) Cull Road Development - late DPI approval \$ 50,000 saving (carried over).
 - d) IT Software licences \$ 71,000 & MS 2003 upgrade - \$ 91,000- both carried over to 08/09.
 - e) Masterplan land sale – Reduced revenue due to property price downturn – \$ 218,000 - reduced repayment to Asset Masterplan funding reserve.
 - f) ALAC operating revenue – down \$ 108,000 due to delay in commencement of operations - funded from the ALAC Future Development Reserve.
 - g) Anzac Peace Park - Drainage expenditure - \$ 80,000 reduction carried over, Wind Farm lease not finalised (\$400,000), environmental expenditure \$ 55,000 – balance carried over to 08/09 budget.
 - h) Drainage Management Plan - Reduced expenditure \$ 120,000, carried over to 08/09.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.4 continued

- i) Bakers Junction Landfill revenue - revenue up \$ 80,000, Hanrahan Road down \$ 80,000.
- j) Leachate Management – Hanrahan Road – increased expenditure due to clay requirements to finish job - \$ 50,000 - funded from Refuse Reserve.
- k) Major Master Plan variances for Roads, Paths, and Reserves were

	Proposed	Variance
Henty Road - Scope	60,989	43,000
Lower Denmark Road – Lengthened by 400m , shoulders widened	607,982	209,000
Albany Hwy Shared Pathway - no funding	0	(140,000)
Library Windbreak – not required	0	(40000)

- l) Streetscape – carryover \$181,000 – minimal activity in 07/08.
- m) Cosy Corner Toilets - carried over expenditure - \$ 50,000.
- n) Waterfront Bridge - \$ 2,181,818 contribution (non cash) ex WA Government.
- o) Trust accounts (Contributions to works) transferred to Reserve account.
- p) Interest on investments (Municipal Account) additional revenue\$ 45,000.

RECOMMENDATION

THAT Council adopt the third quarter budget review.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MATLA**

THAT Council adopt the third quarter budget review.

**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS**12.2 ADMINISTRATION****12.2.1 Amendment to Purchasing Policy**

File/Ward	: MAN 186 (All Wards)
Proposal/Issue	: Amendment to Purchasing Policy
Subject Land/Locality	: Nil
Proponent	: City of Albany
Owner	: Nil
Reporting Officer(s)	: Manager Customer Services (B Parker)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/04/08 - Item 13.8.1
Summary Recommendation	: That the City's Purchasing Policy be amended to reflect the most recent amendment to the Local Government (Functions and General) Regulations 1996
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. At the Asset Management and City Services Strategy and Policy Committee Meeting held on 20 March 2008, the amended Purchasing Policy was presented to the committee for consideration. Subsequently, the policy was endorsed by the committee and ratified by full Council at the April 2008 Ordinary Council Meeting.
2. In applying this policy, officers have identified that no provision has been made for the most recent amendment to the Local Government (Functions and General) Regulations 1996. These amendments permit local government authorities to make purchases in excess of \$100,000 without going to tender if the supply of these goods or services is to be obtained through either the Council Purchasing Service of WALGA or from the government of the State or the Commonwealth or any of its agencies.
3. An example of such a purchase is the renewal of insurance services. Previous attempts to tender for this service have been relatively unsuccessful with Local Government Insurance Services (LGIS) being the only valid tender received. The amended legislation permits the City to engage the services LGIS outside of a tender process, even though the cost of the service is in excess of \$100,000 as this supplier is listed with the Purchasing Service of WALGA.
4. As the City's Purchasing Policy makes no mention of the Purchasing Service of WALGA or the Common Use Contracting Arrangements coordinated by the Department of Treasury and Finance, all purchases in excess of \$100,000 require a full tender process and do not allow the City to experience the advantages and increased efficiencies that the amended legislation delivers.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

5. It is suggested that the City's Purchasing Policy is amended to reflect the Local Government (Functions and General) Regulations.

STATUTORY REQUIREMENTS

6. Section 11 (2) (b) of the Local Government (Functions and General) Regulations 1996 relate to this item.

11. Tenders to be invited for certain contracts

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;
 - (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;

POLICY IMPLICATIONS

7. It is suggested that the City's Purchasing Policy is amended to reflect the legislative provisions outlined in Section 11 (2) (b) of the Local Government (Functions and General) Regulations 1996.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Community Vision:

Nil

Mission Statement:

"At all times we will respect the Community's aspirations and resources"

Priority Projects:

Nil"

Item 12.2.1 continued

COMMENT/DISCUSSION

- 9. Potential concerns for the elected group in relation to this item is the perception in terms of value for money or lack of competitive process. However, in order for a company to be listed on the Council Purchasing Service of WALGA, suppliers must complete a competitive process that demonstrates that their goods and/or services are 'best value'. In essence, WALGA and the State Government has tested the market and completed the competitive process on behalf of all local governments.

RECOMMENDATION

THAT Council adopt the amended Purchasing Policy that makes reference to the Local Government (Functions and General) Regulations 1996 allowing officers to make purchases in excess of \$100,000 without going to tender if the supply of the goods or services is to be obtained through either the Council Purchasing Service of WALGA or from the government of the State or the Commonwealth or any of its agencies.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR PRICE</p> <p>THAT Council adopt the amended Purchasing Policy that makes reference to the Local Government (Functions and General) Regulations 1996 allowing officers to make purchases in excess of \$100,000 without going to tender if the supply of the goods or services is to be obtained through either the Council Purchasing Service of WALGA or from the government of the State or the Commonwealth or any of its agencies.</p> <p style="text-align: right;">MOTION CARRIED 12-0</p>



Council Policy

Purchasing Policy (Tenders and Quotes)

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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CORPORATE & COMMUNITY SERVICES REPORTS**Objective**

To provide best value to Council and equity and transparency to suppliers of Council goods and services

Scope

For all staff with the authority to purchase goods and services, it defines the type of procurement applicable to different categories of procurement

Definitions

Minor Purchase	A purchase up to and including \$5,000
Minor Quote	A purchase from \$5,001 to \$19,999
Major Quote	A purchase from \$20,000 to \$99,999
Major Purchase	A purchase of \$100,000 and above

Policy Statement

The following protocols will apply to each category.

Category	Value (ex GST)	Minimum Protocol
Minor Purchase	0-\$5,000	Purchase Order
Minor Quotation	\$5,001-19,999	3 Verbal Quotes (Recorded as File Notes*)
Major Quotation	\$20,000-99,999	3 Written Quotes
Major Purchase	\$100,000 and over	In accordance with Division 2 – Section 11 of the Local Government (Functions and General) Regulations 1996

* If a purchase is made and the minimum protocol for quotations is not met, a file note signed by the Executive Director needs to be made detailing the reasons for not meeting the protocol. In this instance a copy of the file note will be forwarded to the Corporate Governance Coordinator.

All records associated with the above categories will be recorded and retained in line with the provisions of the State Records Act 2000

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation;
- Quotation documentation;
- Internal documentation;
- File Notes; and
- Order forms and requisitions.

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Legislative and Strategic Context

This Policy is required under Part 4 of the Local Government (Functions and General) Regulations 1996

The adoption of this policy under the above regulations allows the City of Albany to increase its tender threshold from \$50,000 to \$100,000

Review Position and Date

Executive Director Works and Services to review on or before 30/6/2008

Associated Documents

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996
- Tender/Contract procedure
- Quotation procedure
- Evaluation procedure (Tenders and Quotations)

CEO Authorisation: _____

Date: ____/____/____

Adoption Date:
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12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

12.7 VISITORS CENTRE

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Community and Economic Development Strategy and Policy Committee meeting minutes – 16th April 2008

File/Ward	:	MAN 233 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Community and Economic Development Strategy and Policy Committee meeting held on 16 April 2008 be adopted.

RECOMMENDATION

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 16 April 2008 be received and the following recommendations adopted:

- i) Item 5.1 Community Development Strategy

RECOMMENDATION

THAT Council adopt the amended Community Development Strategy that defines the City's role in Community Development activities and guides the operations of the Community Development Department subject to the following amendments:

- a) Including a section within the document that further investigates the demographics of youth under 12 years of age to ascertain a greater understanding of the future needs of this section of the community.
- b) Any reference to 'Aboriginal' within the current document be replaced with 'Indigenous'.
- c) The key objectives under the Indigenous Section be separated into stand alone actions.
- d) Including a section within the document that reflects cultural sensitivity and the overall inclusiveness of the Albany Community. This may include partnerships with the Albany Migrant Resource Centre.
- e) Including a section within the action plan that requires the Community Development Team to prepare a quarterly newsletter for the elected group advising on community development issues such as training opportunities, new initiatives, community feedback and emerging trends.
- f) Changing the statement from 'establish an accord' to 'promote an accord' within the Indigenous section of the action plan

- ii) Item 5.2 City Events Business Plan

RECOMMENDATION

- a) THAT Council adopt the City Events Business Plan and program for 2009/10 to 2011/12 that determines the type and nature of the events coordinated by the City of Albany.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

- b) That the New Years Eve Celebration referred to in the City Events Program 2009/10 to 2011/12 includes a pyrotechnics display at midnight.
- c) That the Manager Economic Development prepares an event program for the June 2008 Community and Economic Development Strategy and Policy Committee Meeting providing further detail on the New Years Eve free twilight entertainment and possible pyrotechnics display at 9:00pm in the CBD aimed at youth and families.
- d) That the Manager Economic Development prepares a event program for the June 2008 Community and Economic Development Strategy and Policy Committee Meeting providing further detail on the Australia Day Celebrations.

iii) Item 5.3 Town Hall Conservation Plan

RECOMMENDATION

THAT the Committee list the Town Hall Conservation Plan for consideration after Patric DeVillier's finalises the York Street Master Plan.

iv) Item 5.4 The Determination of Date, Time and Frequency of Future Meetings.

RECOMMENDATION

THAT the Community and Economic Development Strategy and Policy Committee continue to meet on the third Wednesday of each month at 3:00pm.

Voting Requirement Simple Majority

.....

Item 12.8.1 continued

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 16 April 2008 be received and the following recommendations adopted:

i) Item 5.1 Community Development Strategy

THAT Council adopt the amended Community Development Strategy that defines the City's role in Community Development activities and guides the operations of the Community Development Department subject to the following amendments:

- a) Including a section within the document that further investigates the demographics of youth under 12 years of age to ascertain a greater understanding of the future needs of this section of the community.
- b) Any reference to 'Aboriginal' within the current document be replaced with 'Indigenous'.
- c) The key objectives under the Indigenous Section be separated into stand alone actions.
- d) Including a section within the document that reflects cultural sensitivity and the overall inclusiveness of the Albany Community. This may include partnerships with the Albany Migrant Resource Centre.
- e) Including a section within the action plan that requires the Community Development Team to prepare a quarterly newsletter for the elected group advising on community development issues such as training opportunities, new initiatives, community feedback and emerging trends.
- f) Changing the statement from 'establish an accord' to 'promote an accord' within the Indigenous section of the action plan

ii) Item 5.2 City Events Business Plan

- a) THAT Council adopt the City Events Business Plan and program for 2009/10 to 2011/12 that determines the type and nature of the events coordinated by the City of Albany.
- b) That the New Years Eve Celebration referred to in the City Events Program 2009/10 to 2011/12 includes a pyrotechnics display at midnight.
- c) That the Manager Economic Development prepares an event program for the June 2008 Community and Economic Development Strategy and Policy Committee Meeting providing further detail on the New Years Eve free twilight entertainment and possible pyrotechnics display at 9:00pm in the CBD aimed at youth and families.
- d) That the Manager Economic Development prepares a event program for the June 2008 Community and Economic Development Strategy and Policy Committee Meeting providing further detail on the Australia Day Celebrations.

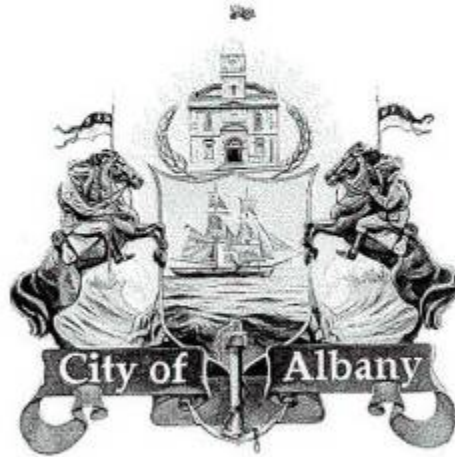
iii) Item 5.3 Town Hall Conservation Plan

THAT the Committee list the Town Hall Conservation Plan for consideration after Patric DeVillier's finalises the York Street Master Plan.

.iv) The Determination of Date, Time and Frequency of Future Meetings.

THAT the Community and Economic Development Strategy and Policy Committee continue to meet on the third Wednesday of each month at 3:00pm.

MOTION CARRIED 12-0



MINUTES

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE

Held on
Thursday, 16 April 2008
3.00pm

Margaret Coates Boardroom


City of Albany

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Signed _____



Andrew Hammond
Chief Executive Officer

Date: 16 April 2008

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CORPORATE & COMMUNITY SERVICES REPORTS

1.0 DECLARATION OF OPENING

Executive Director Corporate and Community Services (EDCCS), Mr Peter Madigan, declared the meeting open at 3.05pm.

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

Attendances:

Mayor -

Councillors -

MJ Evans, JP

D Price

J Matla

R Paver

N Williams

J Bostock

Executive Director Corporate and Community Services

P Madigan

Manager Customer Services – Minutes

B Parker

Manager Community Development

M Weller

Manager Economic Development

J Berry

Observers:

Councillor

EK Stanton

Apologies/Leave of Absence:

Chairperson

Councillor

J Walker

D Wiseman

G Kidman

Given that the Chair, Councillor John Walker was unable to attend this meeting, EDCCS requested nominations for the position of Deputy Presiding Member.

Only one nomination for the position of Deputy Presiding Member was received, namely Councillor Paver.

3.0 APPOINTMENT OF DEPUTY PRESIDING MEMBER

THAT Councillor Paver be elected as the Deputy Presiding Member for the Community and Economic Development Strategy and Policy Committee.

VOTE 6-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

5.0 ITEMS FOR DISCUSSION

5.1 Community Development Strategy

The draft Community Development Strategy was circulated to the committee prior to the meeting. The City's Manager Community Development, Mark Weller attended the meeting and outlined the overall intent of the document and how the document would guide the actions of the Community Development Team.

The general consensus of the committee was that the document was sufficient, however Councillor Price requested that a number of items be discussed for inclusion/amendment to the document. The additional items discussed by the committee included further research into the demographics of youth under 12 years of age, replacing the term aboriginal with indigenous, separating the objectives under the indigenous section, including a section on cultural sensitivity and engaging groups such as the Migrant Centre, including an action within the action plan to promote and raise awareness within the community for the Community Financial Assistance Program, preparing a quarterly newsletter for the elected group, and changing the term 'establish' to 'promote' within the indigenous section of the action plan.

Councillor Price commended the work of the Manager Community Development and the Community Development Team in preparing this draft strategy.

RECOMMENDATION

Moved: Price

Second: Bostock

That Council adopt the amended Community Development Strategy that defines the City's role in Community Development activities and guides the operations of the Community Development Department subject to the following amendments:

- a) Including a section within the document that further investigates the demographics of youth under 12 years of age to ascertain a greater understanding of the future needs of this section of the community.
- b) Any reference to 'Aboriginal' within the current document be replaced with 'Indigenous'.
- c) The key objectives under the Indigenous Section be separated into stand alone actions.
- d) Including a section within the document that reflects cultural sensitivity and the overall inclusiveness of the Albany Community. This may include partnerships with the Albany Migrant Resource Centre.
- e) Including a section within the action plan that requires the Community Development Team to prepare a quarterly newsletter for the elected group advising on community development issues such as training opportunities, new initiatives, community feedback and emerging trends.
- f) Changing the statement from 'establish an accord' to 'promote an accord' within the Indigenous section of the action plan.

MOTION CARRIED 6-0

5.2 City Events Business Plan

The draft City Events Program 2009/10 – 2011/12 was circulated to the committee prior to the meeting. The City's Manager Economic Development, Jon Berry attended the meeting and outlined the overall intent of the document.

CORPORATE & COMMUNITY SERVICES REPORTS

The committee discussed the New Years Eve program and firmly believed that a midnight fireworks display was should be maintained rather than introduce an earlier fireworks display around 9pm. The Committee suggested expressions of interest be sought for the proposed twilight (6pm-9pm) family entertainment and for the Australia Day Celebration.

It was confirmed that a Christmas theatre production discussed at the last meeting was unachievable due to the Town Hall Theatre being booked out for dance groups in late November and leading into the Christmas period.

RECOMMENDATION

Moved: Price

Second: Evans

1. That Council adopt the draft City Events Program Business Plan for 2009/10 to 2011/12 that determines the type and nature of the events coordinated by the City of Albany.
2. That the New Years Eve Celebration referred to in the City Events Program 2009/10 to 2011/12 includes a pyrotechnics display at midnight.
3. That the Manager Economic Development prepares draft program for the June 2008 Community and Economic Development Strategy and Policy Committee Meeting providing further detail on the New Years Eve free twilight (6pm-9pm) entertainment program proposed for the CBD and the possibility of introducing a stage pyrotechnics display at the conclusion of the event which is aimed at youth and families.
4. That the Manager Economic Development prepares a draft event program for the June 2008 Community and Economic Development Strategy and Policy Committee Meeting providing further detail on the proposed Australia Day Celebrations.

MOTION CARRIED 6-0

5.3 Town Hall Conservation Plan

On Wednesday 16 April 2008 at noon, Patric DeVilliers briefed the Planning and Environment Strategy and Policy Committee on the York Street Master Plan. This Master Plan includes the future use of the Town Hall and surrounding central precinct. EDCCS, Peter Madigan suggested that the committee list the Town Hall Conservation Plan for consideration after Patric DeVilliers finalises the York Street Master Plan.

RECOMMENDATION

Moved: Price

Second: Evans

That Council list the Town Hall Conservation Plan for consideration after Patric DeVilliers finalises the York Street Master Plan.

MOTION CARRIED 6-0

5.4 The Determination of Date, Time and Frequency of Future Meetings.

Councillor John Walker has requested that the Committee change the date that the Committee meets. Rather than meet on the 3rd Wednesday of each month following a Council Meeting, Councillor Walker requested that the Committee meet on the first Wednesday of each month.

CORPORATE & COMMUNITY SERVICES REPORTS

EDCCS, Peter Madigan indicated that in addition to Cr Walker's proposal, Cr Robert Buegge found it difficult to attend committee meetings held before 4:00pm.

The committee discussed this proposal and decided that the date, time and frequency of future meetings would remain unchanged.

RECOMMENDATION

Moved: Price

Second: Bostock

That the Community and Economic Development Strategy and Policy Committee continue to meet on the third Tuesday of each month at 3:00pm.

MOTION CARRIED 6-0

6.0 TIME AND DATE OF NEXT MEETING

Next meeting is scheduled for Wednesday, 21st May 2008 at 3.00pm.

7.0 CLOSURE OF MEETING

The meeting closed at 4.30pm.



DRAFT

Council Strategy

COMMUNITY DEVELOPMENT STRATEGY

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Revision 2

Adoption Date: 15/05/2007
Adoption Reference: Item 12.2.2
Review Date: 20 June 2010
Maintained By: Executive Director Development Services
Document Reference: NS06645_1

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Executive Summary

The City of Albany as a whole is a 'community development organisation' as its primary functions are leadership, governance and managing and offering services, infrastructure, and facilities for the community. While recognising the contribution of other sections this strategy relates primarily to the direction and operation of the City of Albany community development department. This mission statement of this department is:

"To develop the Albany Community as a whole by assisting community groups and individuals to reach and sustain their capacity"

The community development team will operate under the 'Self Driven Model' of community development. Implementation of this model will include conducting several common activities such as:

- offering facilitation for groups at key decision making points;
- acting in an advocacy capacity;
- implementing programs/ initiatives;
- maintaining and developing relevant knowledge; and
- providing specific relevant internal and external consultation.

In addition this strategy outlines actions within the key focus areas of Seniors, Youth, Disability, Indigenous, Community Financial Assistance, Volunteering and Rural Communities.

It is recognised that community development is a process involving constant change, influenced by many external and internal, positive and negative influences.

At any point in time it is likely that the number of potential community development initiatives, activities and requests will exceed the human and financial resources available. In order to maximise the community development effect, new and existing initiatives will continuously be evaluated and a process of prioritisation undertaken based on a number of factors listed within the 'implementation and prioritisation' section of the strategy.

Finally the strategy details the quantitative and qualitative methods to be used to evaluate the effectiveness of its implementation.

Strategic Context

This City's first community development strategy was developed in 2005 on the basis of information and feedback provided by the elected members of Albany City Council through their responses to a Community Development Survey Questionnaire and Service Matrix. The strategy was reviewed in February 2007 and was again revised in April 2008 by the City's Economic and Community Development Strategy and Policy Committee.

While this document is framed within the strategic context of the "City of Albany 3D Corporate Plan 2004-2007" it is recognised that at the time of the last review a new corporate strategy is in the process of being completed.

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Strategic Focus Areas

Community development strategies/actions common to seniors, youth and general community sectors

The mission of the community development department is:

“To develop the Albany Community as a whole by assisting community groups and individuals to reach and sustain their capacity”

For the purpose of this definition capacity is defined as most efficient level of activity and output while maintaining internal cohesion and human and physical and financial resources.

To achieve this, the 'Self Driven Model' of community development is utilized to assist and support Albany residents as they investigate and develop an awareness of issues, make collective decisions and take action to develop their community.

Seniors (Persons Aged 55 Years or Older)

The City of Albany has one of the highest percentages of seniors population in Australia, at around 25%, compared to the current State and National averages of 17% and 18% respectively. The Albany proportion is expected to increase to around 30% by the year 2015 as the 'Baby Boomers' move into this demographic. Seniors are living longer, staying active longer, participating more in community and becoming more vocal in relation to their needs and aspirations. Seniors can however be at risk of reduced physical activity, reduced mobility, social isolation and other issues. There is a strong need for consultation, programs and infrastructure, provided by council, to service Albany's 'Senior's' population.

Youth and Young People (up to 25 years)

Youth and young people are a unique yet diverse demographic who need to be included in the decisions that affect their lives. This represents a strong need for consultation, programs and infrastructure provided by the City of Albany to service Albany's youth and young people population.

Disability

A disability can result in a person having a substantially reduced capacity for communication, social interaction, learning or mobility and a need for continuing support services in daily life. A core aim of the City of Albany is to ensure that all public services, facilities and information are available to all community members, including those who have a disability, so that they have the opportunity and choice to participate in all aspects of community life.

While referred to as an important area in the Community Development Strategy, key actions are contained in a separate strategy – 'Access and Inclusion Strategy for People with Disabilities' document NS073133.

Indigenous

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Noongar people of the Meananger (or Mineng) group are the traditional owners Albany and have occupied this area for at least 18,000 years. Indigenous people represent 3 per cent of Albany's population. Recognising the need to enhance the social and economic circumstances of its indigenous community, council has identified Aboriginal issues as a key priority area. As such there are two relevant strategies containing key actions for this area:

'Aboriginal Accord': document NS06648

'Aboriginal Accord - Action Plan': document NS06649

Other Priority Areas

Community Financial Assistance Program

The City of Albany has an estimated over 200 community organisations, clubs and associations. It is recognised that they provide valuable services to the Albany community, which would be beyond the capability of the City of Albany to provide without them. The City of Albany makes provision within its budget for the Community Financial Assistance Grants Program, designed to assist community organisations, clubs and associations to develop and maintain facilities, to carry out their activities and to operate effectively. The program is designed to build the capacity of the community to meet its own needs and aspirations.

Volunteering

The estimated 7000+ local volunteers are the lifeblood of the Albany community, contributing countless hours of unpaid work in a wide range of agencies and organisations. Over 200 Albany community organisations, staffed by volunteers, manage or operate community facilities or are established to promote specific interests. Finding, recruiting, training and retaining volunteers is a major challenge for the many organisations that require the services of volunteers.

In 2003 with the assistance of a State Government Grant, the City of Albany established a Volunteer Resource Centre to coordinate and improve the management of volunteers throughout the community. The Albany regional Volunteer Centre is now an incorporated entity and the City of Albany retains representation on its board of management.

Rural Communities

Albany is unique in that it has a blend of rural and city lifestyles. The recent centralisation of services to Albany town site and increasing mobility of Australians is impacting on the sense of community in the smaller outlying rural communities. There is a need for consultation, support and programs to assist with revitalising smaller communities in the City of Albany boundaries.

Key Action Plan Outline

Community development strategies/actions common to seniors, youth and general community sectors

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CORPORATE & COMMUNITY SERVICES REPORTS

Core Services

Offer a facilitation service that at key decision making points:	
<ul style="list-style-type: none"> Assists groups identify their current situation and realistic future goals. Identifies strategies and actions to achieve these goals through providing ideas, examples of resources, strategic problem solving and direction to funding opportunities 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development team

Advocate on behalf of community, specifically in the Areas of Senior and Youth by:	
<ul style="list-style-type: none"> Acting as executive officer on the City's Youth Advisory Council and Seniors Advisory Committee Assisting the Youth Advisory Council and Seniors Advisory Committee to be proactive on key issues of their communities Serving on boards/ committees whose aims are highly congruent with those identified in this strategy 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development team

Implement / Initiate community projects, programs and events relevant to the strategy	
Timeframe	Ongoing
Resources	Project budgets identified annually, external grants
Officer	Community Development team

Maintain a high level of knowledge in relation to the needs, aspirations and potential of the Albany Community and the proven and/ or innovative ways these needs can be met by:	
<ul style="list-style-type: none"> Fostering and maintaining lines of communication with community members in relation to their needs and desires Researching trends and best practice and conduct ongoing professional development Taking community members and councillors to conferences where possible Maintaining and utilising relevant data bases 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development team

Provide considered advice and information relevant to key focus areas, to assist external and internal stakeholders with the achievement of goals congruent with this strategy	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development team

Supporting Actions

Wherever possible directly implement or involve a training component to value add to community development activities and initiatives by developing the capacity of individuals and organisations	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development team

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CORPORATE & COMMUNITY SERVICES REPORTS

Maintain an awareness of cultural sensitivity and the overall inclusiveness of the Albany Community while designing and implementing community development projects and initiatives.	
Timeframe	Ongoing
Resources	Existing allocation. Partnerships with agencies such as the Albany Migrant Resource Centre
Officer	Community Development team

To manage partnerships with external and internal agencies by adopting the 'lead agency model'.	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development team

Inform councillors in relation to key community development team initiatives, emerging trends, training opportunities and community feedback through the production of a quarterly newsletter for councillors.	
Timeframe	Ongoing
Resources	Existing allocation.
Officer	Community Development team

Seniors specific actions (Persons Aged 55 Years or Older)

To promote seniors as valued members of the Albany community by:	
<ul style="list-style-type: none"> • Promoting a positive image of seniors through all media and City of Albany publications. • Developing and supporting initiatives and programmes which positively promote seniors • Encouraging the nomination of seniors for recognition of their achievements (Sport, citizenship, academic, etc) • Encouraging and developing links between seniors and other sectors of the community, including intergenerational programmes to reduce ageist stereotypes. 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Seniors

To enhance seniors quality of life through accessible healthy lifestyle choices by:	
<ul style="list-style-type: none"> • Supporting City of Albany built environments that encourage physical activity in everyday life • Identifying participation barriers (including cost) in City of Albany facilities and assist with improving senior's access and participation to healthy lifestyle activities. • Supporting community groups to deliver senior's health and wellbeing programs • Developing & maintaining links with health and wellbeing agencies. • Initiating seniors health and wellbeing projects 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Seniors

CORPORATE & COMMUNITY SERVICES REPORTS

Develop and support positive (inclusive and diverse) lifestyles and relationships by:	
<ul style="list-style-type: none"> • Building community networks between seniors and other sectors of the community, including intergenerational links. • Improving information and referrals on activities and services between organisations that positively promote seniors. • Supporting community groups to deliver a range of healthy activities (lifelong learning, sports, environment, family and health) for seniors • Actively promoting the importance of seniors in our community • Facilitating the involvement of seniors in volunteering 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Seniors

A lively and visible arts community that values senior's creative participation and interest in the arts by:	
<ul style="list-style-type: none"> • Establishing partnerships with the arts community to increase our capacity and ability to cater for the senior's community. • Assisting with the development of seniors arts projects and involving seniors in arts projects 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Seniors

Develop a diverse mix of skilled and informed seniors community that can independently support their lifestyle options and choices by:	
<ul style="list-style-type: none"> • Supporting computer and technology training • Supporting and finding opportunities for programs and partnerships that develop older peoples skills in financial security, income generation and financial management. • Promoting existing employment, education and training opportunities for seniors in Albany. 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Seniors

Act in an advocacy capacity for a well-planned built environment that positively impacts on the independence, mobility and quality of life in old age.	
Pedestrian	
<ul style="list-style-type: none"> • Improve and maintain accessibility in relation to the footpaths, pedestrian crossings and trail networks 	
Mobility	
<ul style="list-style-type: none"> • Explore alternative transport modes • Encourage volunteer transport schemes • Encourage local business to sponsor community shuttle services 	
Recreation Facilities, Parks and Trails	
<ul style="list-style-type: none"> • Upgrade current parks and recreation facilities to be age friendly • Develop support facilities along trails and footpaths to enhance accessibility • Ensure that older people have access to recreation and fitness centres • Support programs that encourage older people to use parks and recreation facilities. 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Seniors

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 Adoption Reference: Item 12.2.2
 Review Date: 20 June 2010
 Maintained By: Executive Director Development Services
 Document Reference: NS06845_1

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Youth and Young People specific actions

To promote youth as valued members of the Albany community by:	
<ul style="list-style-type: none"> Promoting a positive image of youth through all media and City of Albany publications. Developing and supporting initiatives and programmes which positively promote youth Encouraging the nomination of young people for recognition of their achievements (Sport, citizenship, academic, etc) Encouraging and developing links between youth and other sectors of the community, including intergenerational programmes to reduce ageist stereotypes. 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Youth

To encourage youth engagement in physical activity, recreation and sport by:	
<ul style="list-style-type: none"> Promoting physical recreational opportunities to the youth community. Educating and developing strategies and programs that reduce vandalism to COA recreation facilities. Initiating programs to decrease injury and encourage use of safety equipment when participating in sport and recreation Consulting youth in City of Albany recreation and parks facility planning and design. Encouraging youth to be active & live healthy lifestyles 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Youth

To increase drug & alcohol impact awareness by:	
<ul style="list-style-type: none"> Promoting positive drug and alcohol free images of youth through all media and City of Albany publications. Developing and supporting drug and alcohol free initiatives and programmes which reduce drug and alcohol related harm Encouraging active & healthy lifestyles for young people Working with other youth agencies to inform youth of the dangers of drugs & alcohol. 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Youth

To facilitate Youth engagement in culture and arts by:	
<ul style="list-style-type: none"> Encouraging youth involvement in current and future culture and arts programs run at the VAC and youth venue Supporting, developing and delivering youth art and culture opportunities 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Youth

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Successful futures and careers for Albany youth and an educated informed youth community able to make effective decisions by:	
<ul style="list-style-type: none"> • Encouraging youth to establish links with educational institutions and partner in the provision of programs which benefit youth • Supporting and assisting youth venues in providing life-skill training • Promoting existing employment, education and training opportunities for youth in Albany, through community development networks. • Promoting and supporting youth volunteering (awards, employment opportunities etc) 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Youth

To facilitate future need, planning and resource allocation for Youth by:	
<ul style="list-style-type: none"> • Investigating the demographics of youth under 12 years • Gaining an understanding of their future needs and likely future demographic shifts as they enter the 12-25 year category 	
Timeframe	Ongoing
Resources	Include youth specific section in demographic survey
Officer	Community Development Officer Youth
Support the development of a youth friendly Albany community	
<ul style="list-style-type: none"> • Encourage and support relevant planning/works & services staff to meet with YAC and other key youth users when developing youth frequented spaces 	
Advocate in relation to youth accommodation issues	
<ul style="list-style-type: none"> • Maintain City of Albany representation on the Board of Management for Albany Youth Support Association (Young House) • Advocate for additional crisis accommodation/support services • Advocate/support the introduction of student low cost housing 	
Advocate on behalf of and consult youth in relation to public open space	
<ul style="list-style-type: none"> • Encourage and support youth consultation in the provision and design of public open space 	
Transport	
<ul style="list-style-type: none"> • Develop/support initiatives for community shuttle/youth bus • Support inclusion of youth consultation in footpath location and design 	
Timeframe	Ongoing
Resources	Existing allocation
Officer	Community Development Officer Youth

Disability – Access and Inclusion

To ensure that all public services, facilities and information are available to all community members, including those who have a disability, so that they have the opportunity and choice to participate in all aspects of community life.	
Timeframe	Specific Key action Areas detailed in Access and Inclusion Strategy
Resources	Specific Key action Areas detailed in Access and Inclusion Strategy
Officer	Executive Director Corporate and Community Services

Indigenous

For the City of Albany and its people to work with the Indigenous people of Albany to promote the Aboriginal accord, which will in turn promote a greater understanding throughout the community of Indigenous and Non Indigenous people's history and culture.
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Timeframe	Specific key action areas detailed in the aboriginal accord action plan
Resources	Specific key action areas detailed in the aboriginal accord action plan
Officer	Executive Director Corporate and Community Services

For 'The City of Albany – Aboriginal Peoples Accord' to be a living document that promotes reconciliation, provides a process of negotiation and co-operation and results in a mutual sharing of the economic and social prosperity of the City of Albany.

Timeframe	Specific key action areas detailed in the aboriginal accord action plan
Resources	Specific key action areas detailed in the aboriginal accord action plan
Officer	Executive Director Corporate and Community Services

For the City of Albany, the people of Albany and the Indigenous community accept their responsibilities to work together to develop an awareness of our shared history and culture, and to build a partnership based upon mutual respect, understanding, co-operation and trust.

Timeframe	Specific key action areas detailed in the aboriginal accord action plan
Resources	Specific key action areas detailed in the aboriginal accord action plan
Officer	Executive Director Corporate and Community Services

Community Financial Assistance Program

To provide financial assistance to worthwhile City of Albany community projects and facilities in order to:

- attract and develop a broad range of social, cultural and economic entities.
- encourage and assist community organizations to develop services and facilities that benefit the community.
- identify and facilitate outstanding economic development opportunities for the City of Albany

Timeframe	Specific key action areas detailed in 'community financial assistance program' policy
Resources	Specific key action areas detailed in 'community financial assistance program' policy
Officer	Executive Director Corporate and Community Services

Volunteering

To recognise the importance of volunteers utilised by the City of Albany and to assist with the recruitment and retention of 'City' volunteers by implementing strategies to recognise and attract new volunteers

Timeframe	Ongoing
Resources	COA departments and officers who rely on volunteers
Officer	Community Development Team

To recognise the importance of volunteers to the Albany community and implement additional strategies in this area by a member of the Community Development team serving on the board of the Albany and Regional Volunteer Service

Timeframe	Ongoing
Resources	Existing
Officer	Community Development Team

Explore and develop a volunteer training and reward programs to recruit and retain volunteers (eg. community points reward system)

Timeframe	Ongoing
-----------	---------

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Explore and develop a volunteer training and reward programs to recruit and retain volunteers (eg. community points reward system)	
Timeframe	Ongoing
Resources	Partnership with Albany Regional Volunteer service
Officer	Community Development Team

Rural Communities

To create a sense of belonging and community in surrounding rural communities by ensuring they are included and receive focus in the implementation of the key actions outlined in this strategy	
Timeframe	Ongoing
Resources	Existing
Officer	Community Development Team

To assist rural communities to increase participation and engagement to ensure the sustainability of their communities	
Timeframe	Ongoing
Resources	Existing
Officer	Community Development Team

Implementation and prioritisation

Development of community is a collaborative process conducted by community individuals and groups, local government, state and federal government and non-government agencies.

It could also be said that the potential for community development is infinite as communities exist in a state of constant change, impacted upon by many forces which can act both positively and negatively including:

- The growth and decline 'life cycle' of specific community groups, initiatives, ideas and projects.
- The resources available – human, physical, financial, environmental, social.
- Actions and strategy of other groups, individuals and agencies.
- Political factors – local, state, federal and international.
- Economic cycles.

It is recognised that at any point in time it is likely that the number of potential community development initiatives, activities and requests will exceed the human and financial resources available.

In order to maximise the community development effect new and existing initiatives will be continuously be evaluated and a process of prioritisation undertaken under the direction of the Manager of Community Development, with reference to the Executive Director for Corporate and Community Services (where required). This will involve consideration of the factors listed above and:

CORPORATE & COMMUNITY SERVICES REPORTS

- A priority on facilitation as outlined in the 'community development strategies/actions common to seniors, youth and general community sectors' section of this document.
- Assessment of level of self ownership, willingness and ability of partners or target groups to follow-up and undertake tasks within the 'self help model'
- Priority in relation to ongoing major commitments (i.e. sportsperson of the year awards, seniors expo)
- Degree of relevance to the principles and ethos of this strategy and the City of Albany's strategy, policy, ethos and directions from council
- Does the initiative fit within the role and services which are the responsibility of another government or non-government agency or internal department
- Level of need and potential benefit
- What is the potential impact if it is not undertaken

Performance Measurement

Community Development Activities and Services

A number of qualitative and quantitative measures will be utilised to measure the effectiveness of this strategy, they include:

- Quantitative feedback from community, for example the City's 'climate survey'
- Evaluation survey at key events
- Qualitative evaluation through discussion, interviews and focus groups with groups, individuals and agencies
- Normative evaluation by officers through experience
- Setting of goals and collection of working statistics – for example: how many groups and individuals have been contact in the past 12 months, how many projects have been initiated with what level of success, how much money has been spent, value for money, facilitation sessions held and outcomes
- Evaluation and feedback from reference groups such as Seniors, Youth and other relevant Advisory Committees.

Community Development Projects

Each project will have clearly identified, measurable aims and objectives including a specific measurable target. An example of this is: 'that participation in x activity will be increased by 20% measured by x'

The evaluation method will include the following criteria:

- Was the project/activities appropriate for the target audience?
- Were the activities implemented, and what level of success was achieved?
- What was the level of attendance or audience reached?
- What changes occurred as a result of participating in the project or activity?
- In the long term what might be sustainable?

Review

Manager Community Development and Executive Director of Corporate and Community Services to review on or before 30/6/2010

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Associated Documents

- City of Albany Corporate Documents Policy (2006)
- City of Albany Financial Assistance Policy (2006)
- City of Albany Aboriginal Accord (2003)
- City of Albany Aboriginal Accord Action Plan (2003)
- City of Albany and Aboriginal community Statement of Understanding and Commitment (2006)
- City of Albany Disability Service Plan (2006)

References: Cavaye, Jim (2007); Capable Communities: A Guide to Community Development Cavaye Community Development



Council Business Plan

City Events Program 2009/10 to 2011/12

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Adoption Date:
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CORPORATE & COMMUNITY SERVICES REPORTS

1. Introduction

This business plan guides the City of Albany Events Program for the period 2009/10 – 2011/12. It outlines Council's commitments to the community in regard to a program of events for which the City will plan, organise, lead and control. The City Events program for 2008/09 was resolved at OCM 15/04/08.

The City of Albany conducts several events with the aim of fostering a healthy, vibrant community and recognising significant cultural, sporting, religious or heritage observances.

Events also support the City's tourism objectives as they provide an enjoyable, entertaining experience for visitors to Albany.

The Events business plan relates to the City of Albany 3D Corporate Plan as follows:-

Community Vision

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

- Diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement

The City of Albany is committed to.....

- Delivering excellent community services
- Promoting our community's vision for the future.

At all times we will...

- Respect the community's aspirations and resources
- Actively keep abreast of best practice
- Demonstrate integrity, leadership and teamwork
- Seek innovative approaches

Priority Projects:

Nil

2. Background

There are many events, festivals and community activities held in Albany throughout the year. Council allocates funding each year to many externally organised community events through a competitive grant program being the 'City of Albany Community Events Financial Assistance Program'. This program closes 31 May each year for projects occurring in the following financial year and is the subject of a separate Community Events Policy (adopted OCM 17/06/03). In 2007/08, \$81,000 of Council funds were allocated to a range of community, sporting and cultural events.

CORPORATE & COMMUNITY SERVICES REPORTS

The City of Albany runs its own events ("City Events") which is the subject of this business plan. A brief synopsis of City of Albany events run in the recent past is presented below.

- Turning on of the Christmas Lights and entertainment in Alison Hartman Gardens

This event officially launches the festive season. It was originally intended to complement a summer events calendar attracting people into York street for late night shopping. It was historically organised by a former business/community group which was disbanded and the City has run the event for approximately four years. Small in-kind and sponsorship is provided.

Audience attendance is estimated at about 1,000. A budget of \$6,000 was allocated in 2007/08.

- Christmas Pageant and entertainment in Alison Hartman Gardens

This is a major community event that has the greatest community involvement including business, community members and associations. It was historically organised by a former business/community group which was disbanded.

Float participants are building with the largest number in 2007 being 65. 2007 also experienced an audience for the parade of around 7,000 and several thousand at the entertainment in Alison Hartman gardens.

The event (excluding fireworks) attracts Lotterywest funding of \$10,000. Small in-kind and sponsorship is provided.

- New Years Eve Fireworks with an entertainment program on Anzac park in the lead up to the display

The NYE event was originally held to entertain Youth under the age of 18. It was an initiative of the Albany Youth Advisory Committee. Entertainment has been provided several hours into the lead up to midnight fireworks. A small audience of 600-1000 attended the entertainment at Anzac Park in 2007 with significant costs to Council for fencing and security. The fireworks display is allocated a budget of \$14,000 and the entertainment program \$23,000 (\$7,000 security, \$8,000 fencing, \$7,000 entertainment). The 2007 fireworks display received very positive feedback.

- Australia Day Entertainment, Citizenship Awards and Fireworks.

Originally an event held between 9.00am & 1.00pm on Australia Day with a citizenship ceremony and family fun day. In 2006 a fireworks display was introduced with the event being held from 4.30pm to

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9.00pm. ALAC has proven to be a suitable venue given it provides an indoor option should inclement weather prevail. Approximately 3,000 people attend the event in 2007. The family entertainment program has a budget of \$22,000 and the Fireworks \$14,000.

The event (excluding fireworks) attracts Lotterywest funding of \$10,000

- US Submariners Service

This event is an annual memorial service held in May, commemorating US Submarine crews who operated out of Albany during WW 2 paying the supreme sacrifice

It is held at the Princess Royal Fortress in a formal service style with tolling of a bell. It involves the Vancouver Cadets, flag raising, laying of wreaths followed by a morning tea. Attendance is weather dependant with only 45 attending in 2007 due to inclement weather. It is allocated a budget of \$2,600.

At its OCM 15/04/098 Council also resolved to add an additional event to its 08/09 program being a community event to recognise Albany volunteers during National Volunteer week in May 2009.

The City of Albany also runs and finances other small events/activities such as Sportsperson of the Year, Seniors Expo, Youth events and activities at the Library and Leisure & Aquatic Centre. Civic receptions, freedom of entry functions and cruise ship support activities are also organised and funded by the City.

Festive lighting and decorations are also maintained by the City of Albany to create a festive look to the CBD and celebrate the Christmas period.

3. City Events Program (2009/10 to 2011/12)

Council will continue to fund the following free events over the period 2009/10 to 2011/12.

Christmas Pageant and Entertainment

- **Objective:** - To celebrate the start of the festive season by bringing together a cross section of the community into a vibrant CBD.
- **Format:-** A float parade in the CBD followed by a free entertainment program in Alison Hartman Gardens that celebrates the traditional meaning of Christmas. The proceedings will include turning on of the CBD Christmas lights.
- **Timing:-** To be conducted in the first week of December each year

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New Years Eve Celebration

- **Objective :-** To bring families together in a low-key, safe environment aimed at celebrating the passing of the calendar year and to provide a midnight spectacle for the wider community to welcome in the new year.
- **Format:-** A free twilight entertainment program in the CBD aimed at youth and families. A fireworks display over Princess Royal Harbour at midnight.
- **Timing:-** Twilight family entertainment (6.00pm and 9.00pm)
Midnight Fireworks

Australia Day

- **Objective:-** To come together as a nation to celebrate what's great about Australia and being Australian.
- **Format:-** Held at ALAC, a free entertainment program is provided for families, including presentation of citizenship awards and a ceremony to welcome new Australian citizens. The event will be concluded with a twilight fireworks display.
- **Timing:-** 4.30pm to 9.00pm (fireworks)

Military Heritage - US Submariners

- **Objective:-** To commemorate US Submariners and crew 'Still on Patrol' who served in WWII. A US submarine base operated out of Albany during this time.
- **Format:-** Held at the Princess Royal Fortress in a formal service style with tolling of a bell. Flag raising, laying of wreaths followed by a morning tea. Partnering with the RSL (Albany sub-branch) is to be strengthened with regard format and programming.
- **Timing:-** Held the last Sunday in May.

Volunteers Day Initiative

- **Objective:-** To acknowledge and show appreciation to people who dedicate their much needed time and skills to the many community organisations in Albany.
- **Format:-** A ceremony with entertainment program and incentive kit (venue and format to be confirmed). Inclusion of a 'Volunteer of the Year' Award.
- **Timing:-** During National Volunteers Week in May.

4. Marketing Plan

City events will not incur an entry charge as they intend to encourage wide community participation. A range of promotional activities will be used including:-

- Street Banners
- Online promotion (Whats On section)
- Newspaper advertising and editorial
- Printing of a Summer Events booklet
- Radio Advertising and interviews

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- Business Posters
- Other innovative means will be used from time to time (past examples include door knob or fridge magnet promotions, a large sticker on the side of municipal vehicles etc)

Most City events are branded using the Events mascot 'Big Al' who attends relevant events focussed on youth and families. Promotional collateral uses the Big Al graphic and associated colour schemes.

5. Operations and Staffing

The City will employ a part-time (3 days per week) Project Officer to organise the annual program of City events

6. 5-Year Financial Projections

The City events program will be funded according to the following budget estimates. In addition Council funds the employment of a part-time Project Officer for approximately \$34,000 pa.

City Event	Budget Expenditure			Forecast Income		
	2009/10	2010/11	2011/2012	2009/10	2010/11	2011/2012
US Submariners Service (May)	\$ 2,800	\$ 2,900	\$ 2,900	\$ -	\$ -	\$ -
Christmas Pageant, Entertainment, Lights	\$ 16,000	\$ 17,000	\$ 17,000	\$ 11,000	\$ 11,000	\$ 11,000
New Years Eve Fireworks	\$ 14,000	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -
New Years Twilight Entertainment	\$ 15,000	\$ 16,000	\$ 16,000	\$ 2,000	\$ 2,000	\$ 2,000
Australia Day Family Entertainment/Citizenship	\$ 23,000	\$ 24,000	\$ 24,000	\$ 10,000	\$ 10,000	\$ 10,000
Australia Day Fireworks	\$ 14,000	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -
Volunteers Day (May)	\$ 15,000	\$ 16,000	\$ 16,000	\$ 3,000	\$ 3,000	\$ 3,000
Total	\$ 99,800	\$ 105,900	\$ 105,900	\$ 26,000	\$ 26,000	\$ 26,000

7. City Finance Strategy Impact Statement

This plan has limited impact on the City's Finance Strategy as a result of current events impacted on CPI movement and the introduction of a Volunteers Week community event.

8. Review Position and Date

- Manager Economic Development
- Review on or before April 2010

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Maintained By: Manager Economic Development
Document Reference:

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CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Albany Town Hall Theatre Advisory Committee meeting minutes – 5th March 2008

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on the 5th March 2008 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 5th March 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR MORRIS

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 5th March 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 12-0

12.8.3 Finance Strategy Advisory Committee meeting minutes – 30th April 2008.

- File/Ward** : FIN 066 (All Wards)
- Proposal / Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of the Finance Strategy Advisory Committee meeting held on 30th April 2008 be adopted.

RECOMMENDATION

THAT the minutes of the Finance Strategy Advisory Committee meeting of 30th April 2008 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

- i) Item 5.0 Policy – Investment Of Surplus Funds

RECOMMENDATION

THAT Council adopt the revised Policy on the Investment of Surplus Funds.

- ii) Item 6.0 Policy - Land Acquisition

RECOMMENDATION

THAT Council adopt the proposed Policy on Land Acquisition

- iii) Item 7.0 Policy – Disposal of Council Land

RECOMMENDATION

THAT Council adopt the revised Policy on the Disposal of Council Land

- iv) Item 8.0 Value of Land Under Roads

RECOMMENDATION

THAT Council elects to present its financial accounts with no value for land under roads in accordance with the requirements of AAB 1051.

Voting Requirement Simple Majority

.....

- v) Item 10.1 Disposal of Former Proposed Waste Disposal Site- Chillinup Road

RECOMMENDATION

THAT

- i) The land at Lot 501 Chillinup Road, Chillinup, be auctioned in October 2008, with a reserve price, set by agreement of all owners, equal or greater than a sworn valuation which is received within six months of the auction.
- ii) Net proceeds from the sale be transferred to the Refuse Reserve.
- iii) The Chief Executive Officer be authorised to finalise the negotiations and settlement requirements for the sale of the land at Lot 501, Chillinup Road, Chillinup.

Voting Requirement Absolute Majority

.....

Item 12.8.3 continued.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PRICE**

THAT the minutes of the Finance Strategy Advisory Committee meeting of 30th April 2008 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

i) Item 5.0 Policy – Investment Of Surplus Funds

RECOMMENDATION

THAT Council adopt the revised Policy on the Investment of Surplus Funds.

ii) Item 6.0 Policy - Land Acquisition

RECOMMENDATION

THAT Council adopt the proposed Policy on Land Acquisition

iii) Item 7.0 Policy – Disposal of Council Land

RECOMMENDATION

THAT Council adopt the revised Policy on the Disposal of Council Land

iv) Item 8.0 Value of Land Under Roads

RECOMMENDATION

THAT Council elects to present its financial accounts with no value for land under roads in accordance with the requirements of AAB 1051.

v) Item 10.1 Disposal of Former Proposed Waste Disposal Site- Chillinup Road

RECOMMENDATION

THAT

- i) The land at Lot 501 Chillinup Road, Chillinup, be auctioned in October 2008, with a reserve price, set by agreement of all owners, equal or greater than a sworn valuation which is received within six months of the auction.**
- ii) Net proceeds from the sale be transferred to the Refuse Reserve.**
- iii) The Chief Executive Officer be authorised to finalise the negotiations and settlement requirements for the sale of the land at Lot 501, Chillinup Road, Chillinup.**

**MOTIONS CARRIED 12-0
ABSOLUTE MAJORITY**



FINANCE STRATEGY ADVISORY COMMITTEE

**Minutes of a meeting held in the Margaret Coates Boardroom
City of Albany Administration Building on 30th April 2008**

1.0 MEETING COMMENCEMENT 0900

Committee: Clr Des Wolfe - Chairperson
Clr Robert Buegge - Deputy Chairperson (from 9.32am)
Mayor Milton Evans (from 9.16am)
Clr Joy Matla
Clr Dot Price

Council Staff: Mr Peter Madigan
Mr Stan Goodman
Ms Pam Wignall

2.0 APOLOGY

Clr Jill Bostock

3.0 DISCLOSURES OF INTEREST

There were no disclosures of interest

4.0 MINUTES OF THE PREVIOUS MEETING

RECOMMENDATION

That the minutes of the meeting held on the 27th February 2008 be accepted as a true and correct record of that meeting.

**Moved: Clr Matla
Seconded: Clr Price
CARRIED 3 - 0**

Mr Goodman tabled a letter from the Minister for Local Government in response to the City's submission regarding the rating of not-for-profit Retirement Villages. The Minister suggested that the City approach villages which are currently exempt from rates to request a financial contribution to the City for services provided.

Clr Wolfe commented that the matter should be raised with the Seniors Advisory Committee and ensures that the Albany Community is aware of the costs of running services such as the Library, Vancouver Arts Centre, and Albany Leisure and Aquatic Centre.

5.0 POLICY – INVESTMENT OF SURPLUS FUNDS

At the March 2008 meeting Council adopted a revised Policy on the Investment of Surplus Funds. It was subsequently noted that the wording of the Policy may be ambiguous. The following sentence appeared in the policy statement:

**MINUTES OF THE
FINANCE STRATEGY ADVISORY COMMITTEE
30TH APRIL 2008**

POLICY – INVESTMENT OF SURPLUS FUNDS Continued....

"Investments shall be restricted to term deposits or commercial bills offered by one of the following banks or government institutions:

- Commonwealth Bank of Australia
- Bendigo bank
- Etc, Etc"

It was noted that the interpretation of this statement could be that the City was restricted to investing with only one of the listed institutions. The revised Policy is identical to that approved in March, with the removal of the words "one of" from the policy statement. This will make it clear that investments may be accessed from any of the institutions.

RECOMMENDATION

THAT Council adopt the revised Policy on the Investment of Surplus Funds.

Moved: Cllr Wolfe
Seconded: Cllr Price
CARRIED 3 - 0

6.0 POLICY ON LAND ACQUISITION

Mr Goodman advised the Committee that Council had confirmed the recommendation made at the February meeting regarding the objectives for a policy on land acquisition.

He noted that it was important for Council to make provision for the City's long term requirements by ensuring that there will be a supply of suitable land for future use.

RECOMMENDATION

THAT Council adopt the proposed Policy on Land Acquisition.

Moved: Cllr Matla
Seconded: Cllr Price
CARRIED 3 – 0

7.0 POLICY – DISPOSAL OF COUNCIL LAND

The Local Government Act requires that any business plan for the disposal of Council assets shall be advertised statewide. In the case of a recent Business Plan for the disposal of land, the availability of the business plan was advertised in the West Australian (Statewide), but was not advertised locally. It was proposed that the existing Policy on the Disposal of Council Land be modified by the addition of the following words:

The City will give statewide notice of its intention to sell land where required by legislation, and local notice in all cases.

The draft policy also provides a funding mechanism for the acquisition of land under Council's Acquisition of Land Policy.

**MINUTES OF THE
FINANCE STRATEGY ADVISORY COMMITTEE
30TH APRIL 2008**

POLICY – DISPOSAL OF COUNCIL LAND Continued.....

RECOMMENDATION

THAT Council adopt the revised Policy on the Disposal of Council Land.

**Moved: Clr Price
Seconded: Clr Wolfe
CARRIED 3 - 0**

8.0 VALUE OF LAND UNDER ROADS

Accounting Standard AAS27 currently provides Local Governments with an exemption from a requirement to provide a value for land under roads in its financial statements. AAS 27 is about to be eliminated and replaced by AASB 1051. The new standard requires Councils to value land under roads unless Council elects not to do so prior to 30th June 2008.

Officers have reviewed the cost and benefits of valuing land under roads. It has been concluded that there would be no benefit to inflating the City's non current assets, and there would be a considerable valuation cost on the City's 1600 km of roads. Once the City has done the initial valuation, there would also be a requirement to provide regular updates.

In response to a question from Councillor Price, Mr Goodman agreed that such a valuation could artificially inflate Council's equity position but there would be no impact on future funding proposals.

RECOMMENDATION

THAT Council elects to present its financial accounts with no value for land under roads in accordance with the requirements of AAB 1051.

**Moved: Clr Price
Seconded: Clr Matia
CARRIED 3 – 0**

(Mayor Evans arrived 9.16am)

9.0 DRAFT BUDGET REVIEW

The Committee was provided with an early draft of the 2008/09 Budget which indicated a recurrent surplus of \$ 4 million. The draft also provides operating projects of \$0.7 million and capital projects with a net cost of \$ 3.3 million.

Mr Goodman noted that the City's loan position (debt to revenue ratio) exceeds the target level of 50-60% due to the short term loans taken out to fund the Administration Building and the Cull Road subdivision (to fund the ALAC redevelopment). Successful completion of the Cull Road subdivision between 2010 and 2011 is expected to bring the debt to revenue ratio back to the target and leave Council in a position to consider major new projects. The current weakness in property prices and demand may impact the timing and eventual earnings from the project. The next two financial years should be a time for consolidation. Mayor Evans concurred stating that this should be a period of conservative fiscal policy.

Mayor Evans noted that one road in the proposed 08/09 Budget had been deferred from 07/08 and requested an explanation. Mr Goodman undertook to provide a list of road projects in the Third Quarter Review compared to the original budget.

MINUTES OF THE
FINANCE STRATEGY ADVISORY COMMITTEE
30TH APRIL 2008

DRAFT BUDGET REVIEW Continued.....

(Clr Buegge arrived 9.32am)

RECOMMENDATION

THAT the Committee note the early draft of the 2008/09 Budget

Moved: Clr Price
Seconded: Mayor Evans
CARRIED 5 - 0

10.0 ITEMS FOR FUTURE DISCUSSION

10.1 Disposal of Former Proposed Waste Disposal Site – Chillinup Road

The Committee was requested to consider a late item relating to the disposal of the Chillinup Road site, in which the City shares an interest with neighbouring Councils. The land was purchased in 1996 with the City's share being \$ 46,300. With the change in the Waste Masterplan, dissolution of the Great Southern Regional Council, and question on the suitability of the land for the intended purpose, it was decided by all Councils that the land should be disposed of.

In October 2004, Council resolved "THAT Council instruct staff to proceed with the disposal of the City of Albany's portion of the Chillinup property."

The Committee was asked to recommend that Council confirm the 2004 decision.

RECOMMENDATION

THAT:

- i) The land at Lot 501 Chillinup Road, Chillinup, be auctioned in October 2008, with a reserve price, set by agreement of all owners, equal or greater than a sworn valuation which is received within six months of the auction.
- ii) Net proceeds from the sale be transferred to the Refuse Reserve.
- iii) The Chief Executive Officer be authorised to finalise the negotiations and settlement requirements for the sale of the land at Lot 501, Chillinup Road, Chillinup.

Moved: Clr Price
Seconded: Clr Matla
CARRIED 5 - 0

10.2 Report on Grange Investments – Loss Mitigation

Mr Goodman reported on loss mitigation options under consideration by Officers which include:

- Consultation and possible joint action with other WA Councils
- Participation in a class action using a litigation funding company
- Stand alone legal action by the City
- Watching brief on NSW legal action by City solicitors and staff
- Consideration of advice from the City's independent advisor
- Consideration of proposals from Lehman for CDO restructuring

**MINUTES OF THE
FINANCE STRATEGY ADVISORY COMMITTEE
30TH APRIL 2008**

Report on Grange Investments – Loss Mitigation Continued.....

Mr Goodman noted that all of the Grange investments are continuing to pay interest and in 2007/08 to date, the City has earned interest of \$ 403,000 on the investments..

It was pointed out that the option of independent legal action must be very carefully analysed to ensure that Council's position is not materially impacted by a possible court loss.

RECOMMENDATION

THAT the Committee note the action to date.

**Moved: Clr Price
Seconded: Clr Buegge
CARRIED 5 - 0**

10.3 Vote of Thanks

Councillor Price proposed a vote of thanks to staff for their efforts and quality of advice to the Committee, and suggested that the Committee endorse the conservative approach being taken.

RECOMMENDATION

THAT the Committee thank the Council Officers for their efforts, and endorse the conservative approach being taken.

**Moved: Clr Price
Seconded: Clr Buegge
CARRIED 5 - 0**

11. NEXT MEETING

The next meeting is proposed to be held in the Margaret Coates Boardroom on a date to be advised.

12. MEETING CLOSED

10.15am



Council Policy

Investment of Surplus Funds

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Adoption Date: 21/11/2006
Adoption Reference: Item 12.7.4
Review Date: 30/11/2006
Maintained By: Executive Director Corporate and Community Services
Document Reference: NP073228

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1. Objective

The policy on Investment of Surplus Funds is intended to reflect the intention of Council to minimize the possibility of incurring capital loss on any investment whilst providing a reasonable rate of return.

The objectives of the Policy on Investment of Surplus funds are

- To provide maximum capital security of funds
- To provide the best available rate of interest from an approved source
- To ensure sufficient liquidity to meet Council's cash flow requirements

2. Scope

The policy applies to any investment of surplus funds other than bank deposits for operational purposes.

3. Definitions

4. Policy Statement

Investments shall be restricted to term deposits or commercial bills offered by the following banks or government institutions:

Commonwealth Bank of Australia
Bendigo Bank
BankWest
Australia and New Zealand bank
National Australia Bank
Westpac banking Corporation
WA Treasury Corporation

Speculative financial instruments are specifically prohibited, together with the use of the portfolio for speculation. Leveraging of the portfolio (borrowing to invest) is prohibited.

Investments shall be spread to ensure that no single institution holds more than 30% of the City's invested funds.

The term of individual investments shall be consistent with City cash flow requirements and shall not exceed 12 months.

The status and performance of the investment portfolio is to be reported monthly to Council.

5. Legislative and Strategic Context

Legislation covering investment of surplus funds includes:

- Local Government Act 1995 Section 6.14
- The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act.
- Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28 and Regulation 49.
- Australian Accounting Standards

6. Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995.

7. Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise.

8. Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

9. Review Position and Date

Chief Executive Officer to review on or before 28/02/2011

10. Associated Documents

Nil

CEO Authorisation: _____

Date: ___/___/_____



Council Policy

Land Acquisition

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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Policy - Land Acquisition

Objective

1. Provide a source for the long term funding of major infrastructure through the acquisition and long term holding of land.
2. Create residential housing blocks within population corridors identified in the Albany Local Planning Strategy

Scope

3. The policy endeavours to create funding sources for major infrastructure projects by the acquisition and ultimate sale of land outside the current urban area of the City, but within population corridors identified in the Albany Local Planning Strategy and assist in the provision of residential housing blocks.

Definitions

4. Albany Local Planning Strategy – A strategic planning tool providing a blueprint for the City's development in the next 20 years.
Medium term - 7 to 15 years
Long term - greater than 15 years

Policy Statement

5. Council will purchase strategic land parcels within population corridors identified in the Albany Local Planning Strategy. The land will be held over the medium to long term, and ultimately sold or developed to finance major infrastructure projects and other land acquisition proposals.. Land held for future purposes may be leased or otherwise used to defray holding costs.
6. Where possible, land purchases will be funded from a reserve created through a 10% levy on the future sales of City land.
7. Land purchases and sales will be designed to encourage residential development in suitable locations identified under the Albany Local Planning Strategy.

Legislative and Strategic Context

8. Legislation covering land acquisition and disposal includes:
 - Local Government Act 1995 Section 3.55, 3.58 and 3.59
 - Local Government (Financial Management) Regulations 1996 – Regulations 9 and 16

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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Review Position and Date

- 9. Chief Executive Officer to review on or before 30/6/2011.

Associated Documents

- 10. Nil

CEO Authorisation: _____

Date: ___/___/___

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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COUNCIL POLICY

Disposal of Council Land

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

Page 1 of 5

CORPORATE & COMMUNITY SERVICES REPORTS

1. Objective

- To provide a transparent and accountable process for the disposal of the City's surplus land parcels in accordance with the requirements of the Local Government Act (1995) and in the interests of good governance
- To ensure that a review of future land requirements is held before designating land "surplus"
- To optimise revenue from the sale of land
- To ensure that land is released in line with normal development industry standards.
- To provide a funding mechanism for the acquisition of land under Council's Land Acquisition Policy.

2. Scope

The disposal by tender, auction or other agreed method of individual parcels of land owned by the City.

3. Definitions

Surplus Land means freehold land currently owned by the City of Albany which is not expected to be required to satisfy the City's strategic requirements in the foreseeable future (Minimum fifteen years).

"Major land transaction" means a land transaction other than an exempt land transaction if the total value of

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction

is more than the amount prescribed for the purposes of this definition

[\$1,000,000 per regulations issued June 2005]

Local Government Act 3.59 (1)

"Land not capable of being independently marketed" means a property which is of a size or configuration which would not be suitable for any sort of development under City of Albany Town Planning Scheme(s).

"Net Profit from the sale" means the gross proceeds from the sale, net of GST, selling and settlement costs, and any expenses incurred in preparing the land for sale.

4. Policy Statement

1. **Decision to sell**

The decision to sell individual properties will be taken by resolution of Council after considering the requirements of the current strategic Plans. The decision may be initiated by budget requirements, or a one off approach from a prospective buyer. In all cases individual blocks of land will not be sold until it has been determined by Council that

- a. they are "surplus" to Council's strategic requirements
- b. they cannot be developed by Council to add value due to the nature of the property, lack of resources, or strategic decision of Council.
- c. the future value of the land is not predicted to significantly rise above normal property increases.
- d. A requirement for funding of projects is identified in the current Five Year Business Plan

2. **Sales Criteria**

Before individual blocks will be sold they must comply with the following criteria:

- a. The land must be appropriately zoned for the anticipated use of the property.
- b. All matters relating to the development and servicing of the land shall be identified and made known in writing to the selling agent.
- c. All legal requirements such as easements or caveats must be identified and in place
- d. The boundary of the property shall be surveyed and missing property markers replaced and highlighted.
- e. Land will not be sold for an amount less than a value provided by a licensed professional valuer undertaken within six months of the resolution by Council to sell the property.
- f. Individual properties valued in excess of the Major Land Transaction amount as specified in Local Government (Functions and General) Regulations Part 3, Regulation 7 will not be offered for sale until all Major Land Transaction pre sale requirements are completed.

3. **Method of Sale**

- a. **Land capable of being independently developed**

The method of sale for all land capable of being independently developed will be by public auction or tender.

CORPORATE & COMMUNITY SERVICES REPORTS

Properties which fail to sell at auction or public tender may be sold by negotiation within a six month period in accordance with Local Government (Functions and General) Regulations Part 6, Regulation 30.

The City may impose conditions on sale of property, but will not accept any conditional purchase offers

b. Land not capable of being independently developed

Land with a market value less than \$5,000, which is not capable of being independently developed may be sold by negotiation, provided that the agreed price will be no less than the value provided by a licensed professional valuer within six months of the transaction.

Land with a market value greater than \$ 5,000, which is not capable of being independently developed, and which is adjacent to one property only, will be offered for sale to the adjacent owner at the value provided by a licensed professional valuer within six months of the transaction under the provisions of the Local Government Act (1995) Section 3.58 (3,4).

If the subject land is not capable of being independently developed, and is adjacent to two or more properties, the land will be offered for sale to each of the adjacent owners under the provisions of the Local Government Act (1995) Section 3.58 (3,4) . The land under offer will be apportioned between adjacent owners based on the their length of boundary abutting the land being sold, and on the provision that if sold, the land must be amalgamated into the adjacent properties. Should any adjacent owner decide against purchasing a portion of the block, the other owners will be required to purchase a greater proportion of the property or waive their right to purchase the land. This is required to ensure that Council does not retain responsibility for small dysfunctional strips of land between other properties.

4. Levy for future land acquisition

A levy from every land disposal under this policy shall be paid into the Reserve for Future Land Acquisition.

The amount of the levy shall be 10% of the net profit arising from the sale.

The levy shall not apply to the sale of any land first offered for sale in financial year 2007/08, or subdivision proceeds previously committed to infrastructure projects.

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

5. Legislative and Strategic Context

Section 3.58 (2) of the Local Government Act (1995) (Disposing of Property) states that a Local Government can dispose of property to the highest bidder at public auction, or to the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Section 3.58 (3,4) allows for the disposal of property other than by public auction or by tender. It requires Council to give local public notice of its intention to dispose of the property, and consider any submissions which are received within the specified period.

Section 3.59 of the Local Government Act (1995) (Commercial Enterprises by Local Governments) states if regulations prescribe that the proposed sale is a major land transaction, the local government is required to prepare a business plan, give statewide public notice of the plan, allow six weeks for public submissions on the plan, and consider any public submissions before determining to proceed with the sale.

Part 3, Regulations 7 and 8 of the Local Government (Functions and General) Regulations identify the minimum value of a major land transaction and transactions which are exempt land transactions.

Part 6, Regulations 30 and 31 of the Local Government (Functions and General) Regulations identify dispositions of property to which section 3.58 of the Local Government Act (1995) does not apply and an anti-avoidance provision about dispositions.

6. Review Position and Date

Chief Executive Officer to review on or before 30/4/2009

7. Associated Documents

Procedures relating to this policy are contained in the following associated documents

1. Guidelines for designation of land as "surplus"
2. Guidelines on setting reserve and sales prices for surplus land
3. Guidelines on preparation of surplus land for sale.
4. Delegation of authority to CEO – Disposal of Council Land (OCM 18/3/08 - 14.4.3)

CEO Authorisation: _____

Date: ___/___/_____

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

12.8.4 Albany Cultural Development Committee meeting minutes – 27th March 2008

File/Ward	:	MAN 223 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Albany Cultural Development Committee meeting held on the 27 th March 2008 be received.

RECOMMENDATION

THAT the minutes of Albany Cultural Development Committee meeting held on the 27th March 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation be adopted:

Item 4.1 Terms of Reference

THAT the Terms of Reference of the Albany Cultural Development Committee be as follows:

To focus on and provide advice to council on the broader strategic direction of arts and culture in Albany by:

- Identifying the strategic direction, planning requirements and opportunities for the next 5 to 7 years.
- Actively supporting and facilitating the Community Plan.
- Considering new and existing facilities and the relationships between them.
- Identifying opportunities with state and federal bodies.
- Focusing on the City of Albany and understanding and making the most of its position in the broader catchment.
- Supporting the appointment of a Regional Arts and Cultural Officer.
- Responding proactively to the changing needs of the community.
- Recognising and fostering employment opportunities in the local arts and culture industry, especially through our young people.
- Recognising economic factors in the identification and delivery of arts and culture, particularly in the cultural heritage and tourism aspects.

To focus on and provide advice to council on cultural marketing and promotion by:

- Encouraging, maximising and facilitating local media coverage of arts and culture.
- Ensuring that arts and culture have an appropriate focus in any City of Albany marketing, tourism or public relations material.
- To provide professional leadership in the identification of vision and facilitation for arts and culture in the region by:
 - Facilitating communication and cooperation between cultural groups.
 - Advocating for, and providing advice on the benefits of an integrated approach to the provision of public art in Albany developments.
 - Inviting and encouraging Noongar consultation and inclusion in all relevant matters addressed by the committee.

Voting Requirement Simple Majority

Item 12.8.4 continued

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR PRICE**

THAT the minutes of Albany Cultural Development Committee meeting held on the 27th March 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation be adopted:

Item 4.1 Terms of Reference

THAT the Terms of Reference of the Albany Cultural Development Committee be as follows:

To focus on and provide advice to council on the broader strategic direction of arts and culture in Albany by:

- **Identifying the strategic direction, planning requirements and opportunities for the next 5 to 7 years.**
- **Actively supporting and facilitating the Community Plan.**
- **Considering new and existing facilities and the relationships between them.**
- **Identifying opportunities with state and federal bodies.**
- **Focusing on the City of Albany and understanding and making the most of its position in the broader catchment.**
- **Supporting the appointment of a Regional Arts and Cultural Officer.**
- **Responding proactively to the changing needs of the community.**
- **Recognising and fostering employment opportunities in the local arts and culture industry, especially through our young people.**
- **Recognising economic factors in the identification and delivery of arts and culture, particularly in the cultural heritage and tourism aspects.**

To focus on and provide advice to council on cultural marketing and promotion by:

- **Encouraging, maximising and facilitating local media coverage of arts and culture.**
- **Ensuring that arts and culture have an appropriate focus in any City of Albany marketing, tourism or public relations material.**

To provide professional leadership in the identification of vision and facilitation for arts and culture in the region by:

- **Facilitating communication and cooperation between cultural groups.**
- **Advocating for, and providing advice on the benefits of an integrated approach to the provision of public art in Albany developments.**
- **Inviting and encouraging Noongar consultation and inclusion in all relevant matters addressed by the committee.**

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.5 Albany Senior Advisory Committee meeting minutes – 17th April 2008

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Community Development Officer - Senior (G Martin)
- Summary Recommendation** : That the Minutes of Albany Senior Advisory Committee held on 17th April 2008 be adopted.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 17th April 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following community representative be formally appointed to the Committee:

- Michael Calton

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WISEMAN**

THAT the minutes of Albany Senior Advisory Committee meeting of 17th April 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following community representative be formally appointed to the Committee:

- Michael Calton

**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

13.4 CITY SERVICES – CONTRACT MANAGEMENT

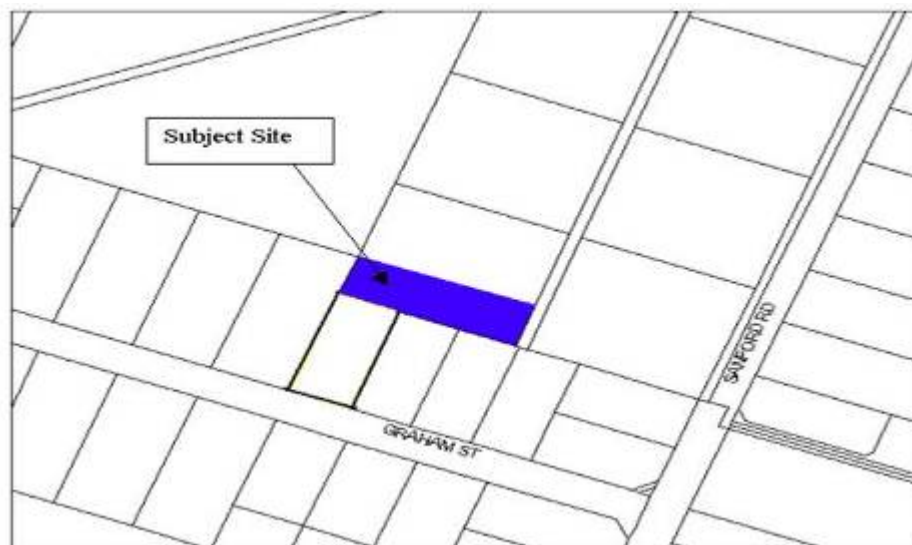
Nil

WORKS & SERVICES REPORTS

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 Request to Lease Land – North Road Sporting Complex – Reserve 18552 Barker Street, Centennial Park

- File/Ward** : STR 047 (Frederickstown Ward)
- Proposal/Issue** : Lease a Portion of Reserve 48552 to be utilised in conjunction with Lots 52–54 Graham Street, Centennial Park
- Subject Land/Locality** : Reserve 48552 Barker Road, Centennial Park
- Proponent** : Harley Survey Group (on behalf of Wauters Pty Ltd)
- Owner** : Crown
- Reporting Officer(s)** : Manager of City Services (I Neil)
Manager of Planning and Ranger Services (G Bride)
Manager of Community Development (M Weller)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/12/05 – Item 11.4.5
- Summary Recommendation** : That Council advise Harley Survey Group that it is not prepared to consider offering a lease.
- Bulletin Attachment** : Letters from Harley Survey Group
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. In October 2005 a request was submitted to the City from Harley Survey Group, on behalf of Wauters Pty Ltd, to purchase a 25m strip of Crown land (total area of 2405m²) immediately behind the Wauter's Construction land in Graham Street.
2. In August 2005, Staff wrote to the Proponent advising that they would not support the request, given the land has value to the City for the on-going development of recreational and cultural infrastructure an the North Road site. The Proponent has requested the application be brought before Council for debate.
3. At the ordinary council meeting of the 20th December 2005 Council debated an alternate councillor recommendation to lease the land, which was subsequently lost, and then resolved not to support the request, as follows:
4. "THAT Council advise Harley Survey Group that it is not prepared to support a request to the Department of Planing and Infrastructure to relinquish 2405m2 of land from Reserve 48552 for incorporation into land owned by Wauters Pty Ltd at 52-54 Graham Street, Centennial Park."
5. In January 2008 Harley Survey Group on behalf of Wauters Pty Ltd wrote to the City requesting that a lease be granted for the land, with "the length of lease to be determined by Council".

STATUTORY REQUIREMENTS

6. The subject land is part of Crown Reserve 48552 and the City of Albany has the Management Order for the Reserve.
7. The subject land is reserved under the Scheme as Parks and Recreation and thereby any development proposals need to be considered against Part 2 of Town Planning Scheme No. 1A. The following clauses are relevant to this proposal:

"2.2 Except as otherwise provided in this part a person shall not carry development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying and obtaining the written approval of Council.

2.3 In giving it's approval to carry out development the Council shall have regard to the ultimate purpose for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority before giving it's approval."

8. The ultimate purpose for the reserve is "Recreation", and the use 'Builders Yard' defined under the Scheme as "means an area of land and a building or buildings used for the storage, assembly or dismantling of building materials", would be inconsistent with the ultimate purpose of the reserve.

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.5.1 continued

FINANCIAL IMPLICATIONS

10. If the Council were to offer a lease for this area a rental would be determined by an independent market valuation.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Item 6 – Recreation Precinct Planning

Item 31 – Albany Leisure and Aquatic Centre

COMMENT/DISCUSSION

12. The subject land is owned by the ‘Crown’, with the Management Order issued to the City and zoned ‘Recreation’. It is identified as part of the ‘Youth Precinct’ in the Centennial Park Recreation Precinct Plan (adopted by council June 2003)
13. In the long term the land has the capacity to be utilised for Youth infrastructure/ facilities complimenting the existing provision of the ‘77 on Sanford venue’, ‘Skatepark’ and ‘BMX track’. It also could be utilised for cultural facilities, landscaped to visually enhance the environment of the North Road complex, converted into an overflow car parking area or provide a site for stormwater detention basins.
14. Combined with other lots in the precinct the land also has the potential to fit a full sized soccer field, in the event this is required in the interim before the planned next generation of playing fields are established in Bayonet Head.
15. There is no current short term Recreation use planned for the land in question. However Councils’ Community and Economic Strategy and Policy Committee plans to discuss the City’s strategic recreation planning and potential use of the Centennial Park area, with this discussion to be held in the next 6 months. Given that any Council determination following these discussions has the potential to specify a short - medium term use for the subject site, it may be premature to enter into a lease until the discussions are held.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

16. If following the deliberation by the Community and Economic Policy and Planning Committee, Council identifies the area is not required in the short to medium term, then offering a medium term lease (5-7 years) may be reasonable. In this event Council would of course implement provisions and retain the right to cancel the lease at its conclusion to develop community facilities in the area.
17. Should Council support the request for a lease, an application for Planning Scheme Consent would need to be lodged by the proponent. Council's support for the lease should also include a direction to staff to grant Planning Scheme Consent which is at variance to the scheme and subject to ordinary conditions which would apply to this type of land use.

RECOMMENDATION

THAT Council advise Harley Survey Group that it is not prepared to consider offering a lease for 2405m² of land from Reserve 18552, immediately behind land owned by Wauters Pty Ltd at 52-54 Graham Street, Centennial Park.

Voting Requirement Simple Majority

ALTERNATE MOTION BY COUNCILLOR WALKER

THAT Council:

- i) Support the lease of 2405 m2 of land from Reserve 18552, immediately behind land owned be Wauters Pty Ltd at 52-54 Graham Street, Centennial Park for a period of five (5) years in compliance with:
 - (a) Part 2 of Town Planning Scheme No. 1A; and
 - (b) The Local Government Act 1995, section 3.59 (Disposition of Property).
- ii) That any extension of this period be subject to future Council deliberations.

Voting Requirement Simple Majority

Reason:

That the subject land will not be used for recreation purposes for the next five (5) years.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BUEGGE**

THAT Council:

- i) Support the lease of 2405 m2 of land from Reserve 18552, immediately behind land owned be Wauters Pty Ltd at 52-54 Graham Street, Centennial Park for a period of five (5) years in compliance with:**
 - (a) Part 2 of Town Planning Scheme No. 1A; and**
 - (b) The Local Government Act 1995, section 3.59 (Disposition of Property).**
- ii) That any extension of this period be subject to future Council deliberations.**

MOTION CARRIED 8-4

WORKS & SERVICES REPORTS

13.5.2 Property Management - Lease for Café at Albany Regional Airport

File/Ward : SER 097 & A64802 (Kalgan Ward)

Proposal/Issue : New lease for Café at the Albany Regional Airport

Subject Land/Locality : 35615 Albany Highway Albany Airport

Proponent : N/A

Owner : City of Albany

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

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : That Council approve a new lease for the Airport Café for a 3 year term effective from 1st June 2008.

Bulletin Attachment : Nil

Locality Plan :



WORKS & SERVICES REPORTS

Item 13.5.2 continued

BACKGROUND

1. The café located within the Albany Regional Airport Terminal Building has operated for a number of years providing a basic service to waiting passengers.
2. A refurbishment of the airport started mid November 2007 and will be completed by late May 2008. As part of the refurbishment the café was overhauled and new equipment, benches and cabinets were installed.

STATUTORY REQUIREMENTS

3. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.
4. Section 3.58 (3) states that a Local Government must give public notice of its intention to lease, giving details of the property and proposed disposition and inviting submissions before a specified date. Any submissions received must be considered at an Ordinary Council Meeting and the decision regarding those submissions recorded in the minutes of the meeting at which the decision was made.

POLICY IMPLICATIONS

5. Councils Property Policy – Leases applies to this item. The policy calls for the City to get maximum return on its commercial leases, the structure of the proposed lease allows for this to happen after an initial twelve month period.

FINANCIAL IMPLICATIONS

6. There are no adverse financial implications attached to this Item. All costs associated with this lease, are to be borne by the lessee at the rate indicated by Council.
7. Calculation of rental will be determined by independent market valuation after the café has been operating for a full twelve month period, until that time the café will run on a cost neutral basis.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services and dynamic promotion and marketing of Albany’s advantages and opportunities.

Mission Statement:

The City of Albany is committed to sustainable managing Albany’s municipal assets and delivering excellent community services.

Priority Projects:

N/A”

WORKS & SERVICES REPORTS

Item 13.5.2 continued

COMMENT/DISCUSSION

9. In December 2007 an Expression of Interest (EOI) called for a suitably qualified company to operate a café at the Albany Airport; five documents were issued with no submissions received. In April 2008 a simplified version EOI was raised, instead of advertising, six documents were personally hand delivered to a number of take away shops and restaurants within the Albany area. At the closing period of the EOI, one submission was received from the operators of Life's a Beach café.
10. The financial viability of the café is unknown at this stage and as a result potential operators have been hesitant in committing to the project.
11. To encourage participation of an operator for the lease of the café, it was proposed to offer an initial period of twelve months at a nominal rental with all operating costs to be borne by the tenant.
12. Negotiations have been undertaken with the operators of the "life's a beach" café (trading name) on Frenchman Bay Road. The terms of the proposed lease will follow standard conditions with the following specific terms:
 - The term will be one year with a two year option.
 - Rental for the first year will be ten dollars plus GST per annum with the tenant responsible for lease preparation costs and all outgoings.
 - The tenant is to make available all financial information relating to the turnover of the café.
 - Within the first twelve months of the term an independent valuation will be undertaken to determine the rental for the further terms.
 - Any equipment not already in the café will be provided by the tenant at the tenants cost.
 - The café will operate in conjunction will Regular Passenger Transport flights and any pre booked charters.

RECOMMENDATION

THAT Council, in accordance with Section 3.58 of Local Government Act 1995:

- i) advertises its intention to enter into a three year lease with Life's a Beach (T & D Cross); and
- ii) enter into a lease with Life's a Beach for a three year period, for the allocated café area at the Albany Airport Terminal, subject to:
 - (a) there being no submissions received as a result of advertising;
 - (b) An initial rental of ten dollars plus GST per annum with the rental being reassessed during the first twelve months of operation;
 - (c) All costs associated with the preparation of leases be payable by applicant; and
 - (d) The Common Seal of the City of Albany be attached to all relevant documentation.

Voting Requirement Simple Majority

.....

WORKS & SERVICES REPORTS

Item 13.5.2 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WALKER**

THAT Council, in accordance with Section 3.58 of Local Government Act 1995:

- i) advertises its intention to enter into a three year lease with Life's a Beach (T & D Cross); and**
- ii) enter into a lease with Life's a Beach for a three year period, for the allocated café area at the Albany Airport Terminal, subject to:**
 - (a) there being no submissions received as a result of advertising;**
 - (b) An initial rental of ten dollars plus GST per annum with the rental being reassessed during the first twelve months of operation;**
 - (c) All costs associated with the preparation of leases be payable by applicant; and**
 - (d) The Common Seal of the City of Albany be attached to all relevant documentation.**

MOTION CARRIED 12-0

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

13.8 WORKS & SERVICES COMMITTEES

Nil

General Management Services

REPORTS

- R E P O R T S -**14.1 STRATEGIC DEVELOPMENT****14.1.1 Western Australian Local Government Association – Agenda for AGM**

File/Ward	:	GOV082 (All Wards)
Proposal/Issue	:	Inclusion of Items into AGM Agenda
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/11/07 - Item 18.2
Summary Recommendation	:	Submit notices of motion
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

- The Western Australian Local Government Association (WALGA) has provided notice to Council of the upcoming AGM of the Association to be held on the 2nd August 2008 and advised that the closing date for the submission of motions to be considered at the AGM closes on the 6th June 2008.
- At the November 2007 meeting, Council considered a request from Dr Woollard for comment on a Private Member's Bill to secure a "third party appeal review (appeal)" right for Western Australians under the *Planning and Development Act 2005*. The following motions were passed at that meeting:

"THAT Council:

 - write to Dr Woollard:*
 - disclosing the existence and content of the City's resolution on this matter; and*
 - support her attempt through a Private Member's Bill to secure a third party right of appeal / review for Western Australians; and*
 - write to all Councils in Western Australia:*
 - urging them to support Dr Woollard's attempt through a Private Member's Bill to secure a third party right of appeal / review for Western Australians;*
 - enclosing a copy of the City's letter to Dr Woollard; and*
 - requesting that copies of our letter to the Councils and to Dr Woollard be distributed to all Councillors."*
- An attempt to progress Council's resolution through the Great Southern Zone of the WALGA has failed to gain support.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.1 continued

4. It has recently been drawn to the attention of City of Albany Staff that amendments have been made to the Bush Fires Act 1954 which retain immunity of Crown agencies and instrumentalities from the provisions of the Act, but the immunity provided to Local Authorities, managing Crown reserves, has been withdrawn.

STATUTORY REQUIREMENTS

5. Section 7(2) and 33(9) of the *Bush Fires Act 1954* were amended in 2003 and state;

“7(2) Subject to section 33(9), a reference in this Act to an owner or occupier of land does not include a reference to a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land. and

33(9) In this section “owner or occupier of land” includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.”

6. Section 33 prescribes the powers of a Local Authority under the Act to require a landowner or occupier of land to plough or clear a fire break to prevent the spread of a fire. It is understood that there was an attempt made to introduce Regulations under Section 33(9) of the Act to “prescribe agencies” which would be subject to the local Authority’s Bush Fire notice, but those Regulations were not proceeded with; considerable opposition from the relevant agencies was encountered.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Council currently spends over \$60,000 per annum installing fire breaks on strategic reserves within the City. If all reserves are to have firebreaks installed, a ten fold increase in that budget would be required and sourcing the resources to undertake that work would be problematic.

STRATEGIC IMPLICATIONS

9. Council is required from time to time to advocate for legislative changes on behalf of the local community and Local Government in general. Inclusion of a motion onto the agenda for the AGM of the WALGA provides a forum for Council to promote those changes to other Local Authorities and seek industry support for the initiative.

COMMENT/DISCUSSION

10. It is proposed to progress two motions at the AGM, with the third party review initiative being consistent with Council’s decision from the November meeting.
11. The amendment to the bush fire legislation in 2003 exempted “*departments of the public service and a state agency of instrumentality*” from the provisions of the Act. For the purpose of the Act, Local Authorities are now treated the same as private landowners. The consequences of those changes is that the 330,000ha of Crown reserves that the City is expected to maintain, plus road reservations, would require firebreaks to be installed.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.1 continued

- 12. The Community Development and Justice Standing Committee “Inquiry into Fire and Emergency Services Legislation” report (pg 20) concluded that *“the legislative arrangements allowing government agencies to choose whether or not to implement measures on land owned or managed by the Crown are inadequate and unjust. The Crown must be subject to the same legislative obligations as private landowners and land managers.”*
- 13. The State Government has established a duplicity of standards in the management of Crown land through the changes it has made to the Act. Local Authorities are required to install fire breaks and plough land that it owns or occupies to a similar standard as a private landowner. At the same time, State Government trading entities (Alinta Gas, Western Power, Landcorp) and public service departments (DEC, DoW, Main Roads, Department of Justice) are not required to undertake similar work on the properties they manage on behalf of the Crown.

RECOMMENDATION

THAT Council submit Notices of Motions to the 2008 Annual General Meeting of the Western Australian Local Government Association to move:

“That WALGA seek an urgent amendment to Section 7(2) of the Bush Fires Act 1954 to exclude Local Authority as an owner or occupier of land for the purposes of the Act.”

and

“That WALGA actively support Dr. Woollard’s attempt through a Private Member’s Bill to secure a third party review (appeal) right for Western Australians under the Planning and Development Act 2005.”

Voting Requirement Simple Majority

.....
ALTERNATE MOTION BY COUNCILLOR PAVER

14.1.1 Western Australian Local govt Association – Agenda for AGM

THAT Council submit Notices of Motions to the 2008 Annual General Meeting of the Western Australian Local Government Association to move:

“That WALGA seek an urgent amendment to Section 7(2) of the Bush Fires Act 1954 to exclude Local Authority as an owner or occupier of land for the purposes of the Act.”

and

“That WALGA actively support Dr. Woollard’s attempt through a Private Member’s Bill to secure a third party review (appeal) right for Western Australians under the Planning and Development Act 2005.”

and

That WALGA make representation to the Hon Alannah MacTiernan, Minister for Planning and Infrastructure, supporting the City of Albany’s request to incorporate Third party Appeal rights into the text of its new Community Planning Scheme given that these rights were contained within the previous shire of Albany Town Planning Scheme and will be forfeited principally as a victim of the amalgamation of the Town of Albany and Shire of Albany.

Voting Requirement Simple Majority

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.1 continued

Reason:

It would appear that the Woollard Bill carries little political support and is unlikely to succeed. WALGA should therefore advocate on behalf of the City for rights that the Minister for Planning and Infrastructure proposes to strip from the Council.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR STANTON**

THAT Council submit Notices of Motions to the 2008 Annual General Meeting of the Western Australian Local Government Association to move:

“That WALGA seek an urgent amendment to Section 7(2) of the Bush Fires Act 1954 to exclude Local Authority as an owner or occupier of land for the purposes of the Act.”

and

“That WALGA actively support Dr. Woollard’s attempt through a Private Member’s Bill to secure a third party review (appeal) right for Western Australians under the Planning and Development Act 2005.”

and

That WALGA make representation to the Hon Alannah MacTiernan, Minister for Planning and Infrastructure, supporting the City of Albany’s request to incorporate Third party Appeal rights into the text of its new Community Planning Scheme given that these rights were contained within the previous shire of Albany Town Planning Scheme and will be forfeited principally as a victim of the amalgamation of the Town of Albany and Shire of Albany.

MOTION CARRIED 11-1

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.4 CORPORATE GOVERNANCE

14.4.1 WALGA Systemic Sustainability Study Report

File/Ward	: STR207 (All Wards)
Proposal/Issue	: WALGA Systemic Sustainability Study
Subject Land/Locality	: N/A
Proponent	: Western Australian Local Government Association
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Nil
Previous Reference	: OCM15/04/08 - Item 14.5.1
Summary Recommendation	: That Report be received and contents noted
Bulletin Attachment	: Summary of recommendations
Locality Plan	: N/A

BACKGROUND

1. The 2005 Western Australian Local Government Association (WALGA) Annual General Meeting passed a resolution for WALGA to lead the development of a framework that would assist individual councils to review, debate and consider the future sustainability of Local Government and to ensure the framework encompassed the assessment of economic, social capacities and the capacities of individuals.
2. In order to progress the framework a vision statement was established by the WALGA Executive Team and working party members to guide the process. The vision was
“Local Government will implement and maintain a governance model that will integrate effective service delivery (on a regional basis) with appropriate political representation (on a local basis)”
3. WALGA released the publication *“The Journey: Sustainability into the future”* in early March 2008, which is essentially a discussion paper proposing a range of recommendations and/or changes to current Local Government practices and structures.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. The report carries 61 recommendations, many of which are operational or technical by nature, notwithstanding that some do contribute to the overall vision of the exercise.
9. The City of Albany's current practices are congruent with the recommendations in the report that relate to strategic planning, asset management and long term financial planning.
10. Recommendations serving to improve the ability of Local Governments to enter into commercial trading undertakings in order to generate extraordinary revenue streams are also considered to be positive.
11. The "regional model" espoused has little bearing on the City of Albany and is directed at the plethora of small Councils throughout WA currently struggling to attract competent staff or deliver services, due to their small revenue bases and relative remoteness.
12. The model proposes that regional groupings of Councils would incorporate single service delivery units that would deliver traditional Local Government services. For example 10 Wheatbelt Shires would form one corporation that would undertake all road construction, maintenance and reserves management. Another corporation may deliver all IT, accounting and records management functions. Communities would still be represented, by fewer elected members.
13. Whilst the "Regional Model" could achieve more sustainable Community Services and Asset Management for smaller cash strapped Councils, the report fails to elaborate upon or explore the obvious benefits of amalgamation.
14. In recent times Albany, Geraldton, Northam and Tambellup/Broomehill have amalgamated successfully within the confines of current legislation. It may well be that a more positive approach to the benefits of amalgamation could result in more small Councils joining together and achieving better value for their communities.
15. That WALGA has taken the initiative to explore structural reform opportunities in WA is a step in the right direction. The methodologies that they propose may or may not achieve their objective of more sustainable Local Governments in Western Australia.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

RECOMMENDATION

THAT Council congratulate WALGA on undertaking the Systematic Sustainability Study and makes the following comments on “The Journey: Sustainability into the future”:

- i) Many of the recommendations contained within the report are technical or operational by nature and bear little relevance to the original vision of the exercise relating to the sustainability of WA Local Governments. These recommendations cloud the intent and effectiveness of the document.
- ii) Recommendations relating to the need for strategic planning, long term financial planning, integrated asset management systems and performance measurement are supported.
- iii) Recommendations facilitating Councils to achieve extraordinary revenue streams to fund major infrastructure replacements are supported.
- iv) The report fails to acknowledge the role mergers/amalgamations can play in achieving more sustainable Local Governments.
- v) A revised and far more succinct Executive Summary comprising a reduced number of recommendations that are strategic and not operational or technical is suggested, so as further comment can be made on the key focus areas of the study.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR PRICE**

THAT Council congratulate WALGA on undertaking the Systematic Sustainability Study and makes the following comments on “The Journey: Sustainability into the future”:

- i) Many of the recommendations contained within the report are technical or operational by nature and bear little relevance to the original vision of the exercise relating to the sustainability of WA Local Governments. These recommendations cloud the intent and effectiveness of the document.**
- ii) Recommendations relating to the need for strategic planning, long term financial planning, integrated asset management systems and performance measurement are supported.**
- iii) Recommendations facilitating Councils to achieve extraordinary revenue streams to fund major infrastructure replacements are supported.**
- iv) The report fails to acknowledge the role mergers/amalgamations can play in achieving more sustainable Local Governments.**
- v) A revised and far more succinct Executive Summary comprising a reduced number of recommendations that are strategic and not operational or technical is suggested, so as further comment can be made on the key focus areas of the study.**

MOTION CARRIED 12-0

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Minutes of Albany Tourism Marketing Advisory Committee – 15 April 2008

- File/Ward** : STR 207 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of Albany Tourism Marketing Advisory Committee held on Tuesday 15 April 2008 be received.

RECOMMENDATION

- i) THAT Council receive the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 15 April 2008 (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

The following recommendation be considered:

Item 6.1 Committee Vacancy

- ii) THAT Council appoint Mr Graham Harvey to the Albany Tourism Marketing Advisory Committee.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR MORRIS**

THAT Council receive the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 15 April 2008 (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 12-0

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WISEMAN**

THAT Council appoint Mr Graham Harvey to the Albany Tourism Marketing Advisory Committee.

MOTION LOST 4-8

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

FORESHADOWED MOTION

Councillor Walker foreshadowed the following motion:

THAT Council:

Advertise for a replacement to fill the vacancy on the Albany Tourism Marketing Advisory Committee.

Reason:

The committee received a number of nominations for positions on the committee; therefore it would be more equitable to re-advertise for nominations.

The substantive motion was then put.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

That Council advertise for a replacement to fill the vacancy on the Albany Tourism Marketing Advisory Committee.

MOTION CARRIED 9-3

GENERAL MANAGEMENT SERVICES REPORTS

14.5.2 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – 17th April 2008

- File/Ward** : MAN 234 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the Minutes of Corporate Strategy and Governance Strategy and Policy Committee meeting held on 17th April 2008 be received.

RECOMMENDATION

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 17th April 2008 be received and the following recommendations be adopted:

Item 5.1 - Review of Code of Conduct

Confirm that it is the desire of the committee to:

- (1) Receive 3 examples of standing orders local laws, including the City of Joondalup Standing Orders Local Law which will be used as the working document for review;
- (2) Ensure the principles of the code of conduct encapsulate the application of natural justice, procedural fairness and compliance with the administration regulations as defined by the Local Government Act 1995;
- (3) Review the model and samples over the next three weeks; and
- (4) Come to the next meeting ready to debate and produce a Draft Code of Conduct for adoption at the following committee meeting.

Item 5.3 - Review of City of Albany Standing Orders Local Law

THAT the review of the City of Albany Standing Orders Local Law be the first priority at the next committee meeting.

Item 6.0 – Time and Date of Next Meeting

THAT the meeting start time for future meetings be at 4.30pm.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

AMENDED RECOMMENDATION

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 17th April 2008 be received and the following recommendations be adopted:

Item 5.1 - Review of Code of Conduct

Confirm that it is the desire of the committee to:

- 1) Receive 3 examples of standing orders local laws, including the City of Joondalup Standing Orders Local Law which will be used as the working document for review;
- 2) Ensure the principles of the code of conduct encapsulate the application of natural justice, procedural fairness and compliance with the administration regulations as defined by the Local Government Act 1995;
- 3) Review the model and samples over the next three weeks; and
- 4) Come to the next meeting ready to debate and produce a Draft Code of Conduct for adoption at the following committee meeting.

Item 5.3 - Review of City of Albany Standing Orders Local Law

THAT the review of the City of Albany Standing Orders Local Law be the first priority at the next committee meeting.

Item 6.0 – Time and Date of Next Meeting

THAT the meeting start time for future meetings be at 4.30pm.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR MATLA SECONDED COUNCILLOR PRICE</p> <p>THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 17th April 2008 be received and the following recommendations be adopted:</p> <p><u>Item 5.1 - Review of Code of Conduct</u></p> <p>Confirm that it is the desire of the committee to:</p> <ol style="list-style-type: none">1) Receive 3 examples of standing orders local laws, including the City of Joondalup Standing Orders Local Law which will be used as the working document for review;2) Ensure the principles of the code of conduct encapsulate the application of natural justice, procedural fairness and compliance with the administration regulations as defined by the Local Government Act 1995;3) Review the model and samples over the next three weeks; and4) Come to the next meeting ready to debate and produce a Draft Code of Conduct for adoption at the following committee meeting. <p><u>Item 5.3 - Review of City of Albany Standing Orders Local Law</u></p> <p>THAT the review of the City of Albany Standing Orders Local Law be the first priority at the next committee meeting.</p> <p><u>Item 6.0 – Time and Date of Next Meeting</u></p> <p>THAT the meeting start time for future meetings be at 4.30pm.</p> <p style="text-align: right;">MOTION CARRIED 11-1</p>

Item 14.5.2 continued



MINUTES

CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE (MAN234/AM805063)

Held on
Thursday, 17th April 2008
4.00pm

City of Albany Margaret Coates Boardroom

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

1.0 DECLARATION OF OPENING

The Chair, Councillor Price, declared the meeting open at 4.05pm.

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

Attendances:

Mayor -		M Evans, JP
Councillors -	(Arrived 4.27pm)	J Bostock D Price R Paver J Matla N Williams
	(Arrived 4.25pm)	R Buegge A Hammond C Grogan S Jamieson
Chief Executive Officer		
Manager Executive Services		
Corporate Governance Coordinator - Minutes		

Observers:

Councillor K Stanton
Councillor C Morris (Arrived 4.10pm)

Apologies/Leave of Absence:

Councillor – D Wolfe

3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 20th March 2008, as previously distributed, be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 4-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

The Chair thanked the Manager Executive Services and staff for the preparation of public consultation materials and processes relating to the draft Albany Insight ~ Beyond 2020 strategic plan.

Item 14.5.2 continued

5.0 ITEMS FOR DISCUSSION

Councillor Paver submitted a working document titled “Procedures for dealing with amendments to the City of Albany Standing Orders” detailed at annex A.

5.1 Review of Code of Conduct

**MOVED BY MAYOR EVANS
SECONDED BY COUNCILLOR MATLA**

Confirm that it is the desire of the committee to:

- (1) Receive 3 examples of codes of conduct (including the WALGA model code of conduct) for review;**
- (2) Ensure the principles of the code of conduct encapsulate the application of natural justice, procedural fairness and compliance with the administration regulations as defined by the Local Government Act 1995;**
- (3) Review the model and samples over the next three weeks; and**
- (4) Come to the next meeting ready to debate and produce a Draft Code of Conduct for adoption at the following committee meeting.**

MOTION CARRIED 7-0

5.2 Defining Councillors’ Governance Role

Councillor Bostock addressed the Committee on “The Elected Members Role in Local Government”. A copy of the address is detailed at annex B.

The Chair stated to the Committee that the Councillors’ Governance role will be a product of the current review process, and directed the Committee to move onto Item 5.3 – Review of City of Albany Standing Orders Local Law.

5.3 Review of City of Albany Standing Orders Local Law

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR MATLA**

THAT the review of the City of Albany Standing Orders Local Law be the first priority at the next committee meeting.

MOTION CARRIED 7-0

**MOVED MAYOR EVANS
SECONDED COUNCILLOR MATLA**

THAT the Committee use the model (WALGA) Standing Orders Local Law as the working document for the review of the Standing Orders Local Law.

MOTION CARRIED 4-3

Item 14.5.2 continued

Item 5.3 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOSTOCK**

THAT the previous motion is amended to read:

Committee to receive 3 examples of standing orders local laws, including the City of Joondalup Standing Orders Local Law which will be used as the working document, for review.

MOTION CARRIED 7-0

Reason:

The WALGA Model Standing Orders Local Law is yet to be released.

6.0 TIME AND DATE OF NEXT MEETING

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WILLIAMS**

That the meeting start time for future meetings be at 4.30pm.

MOTION CARRIED 5-2

Next meeting is scheduled for Thursday 22nd May 2008 at 4.30pm.

7.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

- 7.1 Review of the City of Albany Standing Orders Local Law; and
- 7.2 Review of City of Albany Code of Conduct.

8.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 6.15pm.

Annexes:

- A. Councillor Paver's submitted document titled "Procedures for dealing with amendments to the City of Albany Standing Orders".
- B. Councillor Bostock's Address to the Committee titled "The Elected Members Role in Local Government".

Item 14.5.2 continued

Annex A

Procedure for dealing with amendments to the City of Albany Standing Orders.

Adopt Joondalup SO's format and content and modify with reference to City of Perth and City of Albany SO's and submissions by Councillors.

Suggest Councillors appoint and brief an administrative lawyer to amend Joondalup SO in accordance with Councillor submissions. Lawyer then to present amended document to Councillors explaining the extent to which it gives effect (or cannot give effect) to Councillor submissions.

Submissions by Councillor Payer

Definitions. Pg 2 Joondalup SO

To be reviewed in light of content.

Under notice of meeting, Pg 3 Joondalup SO add

At least seven days notice shall be given for any meeting to decide a planning or development application.

Under Voting note regulation 9 (Admin. Regs) Pg 8 Joondalup SO.

The City of Albany appears to have been in breach of this regulation.

Order of Business Pg 8 Joondalup SO

Use C of A existing SO on Order of Business but replace (i) with

“Announcements by the presiding person without discussion” and add a new (j)

“Questions or personal explanations by members without discussion”.

Reletter the balance.

Note Sec. 5.62 (1) (ea) LGA 1995 on Pg 15 Joondalup SO and ambiguity contained in Sec. 5.62 (2) LGA 1995 and add

Provision making it clear that “notifiable gifts” received by Councillors from persons with an application before Council result in that Councillor having a financial interest in the matter that must be declared and precludes him from participating in the proceedings relating to that matter notwithstanding any decision by Council under Sec. 5.68 LGA 1995

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

Annex A continued

Create new heading called Delegations to precede Delegation of some powers and duties to committees, Pg 40 Joondalup SO.

- 1) Staff recommendations and Councillor motions that seek to delegate authority to staff to make decisions that are inconsistent with the City's town planning scheme or its strategies and policies shall be withdrawn from the agenda.
- 2) Staff recommendations and Councillor motions that seek to delegate authority to staff to make decisions subject to the receipt of relevant information from government agencies shall be withdrawn from the agenda.

Late Items

- a) There needs to be a definition of what is a late item. (Anytime within seven days of the meeting?)
- b) Items relating to planning or development applications should not be permitted as late items.
- c) Councillor motions that if adopted will result in a substantial departure from the provisions of the town planning scheme and the City's policies should be regarded as late if they are delivered to Councillors within seven days of the meeting.
- d) The Mayor should not have the power to admit late items. The admissability of late items should be by the majority decision of Council only.
- e) There needs to be a provision that makes it clear that late items to Council whether by staff or Councillors shall be admissable only where consideration of the item is necessitated by extreme urgency and this should as far as possible be defined in the definition clause.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

Annex B

Governance Committee Thursday 17 April 2008

The Elected Members Role in Local Government.

Many of us stand for council because of dreams, a wish to make a difference, to increase the benefits to our community, yet we spend no time exploring, debating or defining these dreams, instead we expend huge amounts of energy on less important, even trivial items.

Rather than formulating long term strategic plans and discussion on direction and changes we could make for the City we spend hours listening to staff reports, briefings and management detail. Our council agendas are staff driven, filled with staff material masquerading as council work. We have council committees, which hold management titles though governance does not have these divisions, and are largely directed by staff and easily stray in to management issues.

The briefings and reports are excellent and there is no doubt that some very good work is being carried out, the problem is not with management but with the governing body. Whilst we busy ourselves with management issues we neglect our true strategic Leadership role, effective government is lacking.

This dysfunction is so well entrenched and has been operating for so long it is accepted as normal. With cynicism and resignation many believe that councils will never get beyond being spoon fed by their executives and will always remain fundamentally reactive.

Councils stumble from rubber-stamping to meddling in management in an attempt to find a role for themselves. The very structure and inheritance of the way councils operates reinforces the hopeless task. "Councils in general remain incompetent groups of competent individuals."

I do not mean to criticize, indeed I believe elected members are doing their very best in the traditional framework in which we find ourselves and we can take small comfort from the fact we are not alone. It has been said, "There is one thing that all governing bodies have in common, they do not function." "95% are not fully doing what they are legally, morally and ethically supposed to do."

How then can we be more effective, there needs to be a fundamental change and this must start with the recognition of the enormous responsibility we have taken on. It is this council, the governing body that holds total authority and total accountability for the City of Albany. It is our job to ensure that the organisation works, not simply an efficient well organized entity but one that delivers good results by way of services to the community. We are accountable to the people of Albany, the only purpose, indeed the only true measure of the organisations success, is how well it improves the lives of the people who live here.

We must assume the authority invested in us, unless we are an organized, authoritative, self determined body we cannot govern. Waiting for the CEO to lead, organize and push us, no matter how proficient he is cannot result in good governance. We have to take responsibility for ourselves, set our own agenda, and establish our own direction, policy, training and organization. The CEO and management with all their expertise and knowledge can help us but we should be the initiator, the driving force.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.2 continued

Annex B continued

Central to every thing we do is the community, our first and foremost duty is to them, not to staff, developers or State Government. Our servant leader role must remain paramount and we must never lose sight of the sole purpose of our organisation in serving the people.

To truly govern we must make some changes, move in a more proactive direction, understand our 'governing' not 'mini management role. "Governance is having ones arms around the organisation, without having ones fingers in it." We must set a positive framework for our governance organisation and accountability not only to the community but to each other. We must work on our authority as a group, protect and promote that authority. We must maintain the principal of "one voice" our authority rests with council not individual members, no elected member should come between the CEO and council. The mayor is first among equals, he only speaks with the authority of council, any meetings with CEO, press, cabinet or others must be in consultation with the governing body. He is the servant of council not the reverse. Our job is a talking job it is about deliberation, debate, diversity of ideas, our present organisation stifles debate, we must encourage it. We must examine our OCM agenda and determine how we can adjust its focus from management to governance issues. We must delegate more effectively and protect that delegation with proper limitation policies regularly monitored to keep it accountable. Only with good delegation can we free ourselves from day to day management and utilize our precious time to deal with our rightful agenda of governance.

All our conscientious effort in attending briefings, listening to staff reports examining detail of agenda items reading mountains of paperwork enmeshes us in staff issues, we use staff language, worry about day to day management and become totally distracted from own responsibility. Our busyness can delude us into believing that we are governing, when in truth we are failing to address the important issues of governance, that of listening to the people, planning the future and ensuring the organisation works. We should be spending more time with the community than with staff, more time planning than approving, more time talking and debating than reading management reports, more time leading than being led.

If we are to deliver excellence in governance we have to change, it is in our hands it is our responsibility. "He that would govern others, first should be master of himself." We have all been elected we have the authority vested in us. We must assume that authority; take responsibility for ourselves and the organisation. It is possible to redefine how we govern and become a forward thinking, value oriented, servant leading body. We could truly make a difference.

The governance committee gives us an opportunity to bring about this change let us embrace it and fulfil the city's vision, "City of Albany renowned as an industry leader in Good Governance and service delivery."

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

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

MOTION CARRIED 12-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Motion to Western Australian Local Government Association Annual General Meeting regarding Western Australian Salary and Allowances Tribunal

File/Ward	: All Wards (GOV059)
Proposal/Issue	: Motion to WALGA Annual General Meeting to support the principle of the Western Australian Salary and Allowances Tribunal determining on an ongoing basis fees and allowances payable to elected members
Subject Land/Locality	: N/A
Proponent	: Councillor Paver
Owner	: N/A
Reporting Officer(s)	: Andrew Hammond (CEO)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Nil
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Councillor Paver requested that the following motion be presented to Council for consideration prior to forwarding to the WALGA AGM

STATUTORY REQUIREMENTS

2. The Local Government Act 1995 part 5, division 8 covers matters relating to the payment of allowances and fees to Councillors.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Item 16.1 continued

COMMENT/DISCUSSION

6. Elected member fees and allowances are currently set by the Minister for Local Government and Regional Development on advice from departmental officers.
7. The writer is unaware of the methodology used to establish the fees, however, charges appear not to take into account moves in the Consumer Price Index and no nexus between fees paid and responsibilities/ workloads of elected members has ever been undertaken, or if it has, never released to Member Councils for consideration.
8. The Salaries and Allowances Tribunal is established under the Salaries and Allowances Act 1975 and has the responsibility for both determining and recommending rates or remuneration for the Governor, Members of Parliament, Judges, Magistrates, the parliamentary Inspector of the Corruption and Crime Commission, Clerks of the Parliament, Commissioners of the WAIRC, CEO's of Local Governments, Members of the special division of the Public Service and Prescribed office holders.
9. The following table represents the amounts payable and review methodology for comparable States:

Fees payable per annum including meeting attendance

State	Mayor	Deputy Mayor	Councillors	Review Method
WA	\$26,000 - \$74,000	\$10,000 - \$22,000	\$7,000	Department of Local government and Regional Development Western Australia
SA	\$7,280 - \$60,000	\$2,275 - \$18,750	\$1,820 - \$15,000	SA State Parliament through the Local Government (Members' Allowances and Benefits) Regulations 1999
NSW	\$20,660 - \$46,280	-	\$6,610 - \$14,540	Local Government Remuneration Tribunal (NSW)
QLD	\$82,260-\$101,250	\$53,790 - \$69,610	\$44,300 - \$60,120	Local Government Remuneration Tribunal (QLD)
VIC	Up to \$60,700	-	\$8,100-\$19,600	Ministry for Local Government

COUNCILLOR PAVER'S NOTICE OF MOTION

THAT Council submit the following motion for consideration at the Annual General Meeting of the Western Australian Local Government Association:

THAT the Western Australian Local Government Association:

- i) Support the principle of the Western Australian Salary and Allowances Tribunal determining on an ongoing basis fees and allowances payable to elected members pursuant to Part 5, Division 8 of the Local Government Act 1995; and

Item 16.1 continued

- ii) Advocate to the Minister for Local Government and Regional Development to give effect to these changes by amending Regulations 30 to 34 AB inclusive of the Local Government (Administration) Regulation 1996.

Voting Requirement: Simple Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT Council submit the following motion for consideration at the Annual General Meeting of the Western Australian Local Government Association:

THAT the Western Australian Local Government Association:

- i) **Support the principle of the Western Australian Salary and Allowances Tribunal determining on an ongoing basis fees and allowances payable to elected members pursuant to Part 5, Division 8 of the Local Government Act 1995; and**
- ii) **Advocate to the Minister for Local Government and Regional Development to give effect to these changes by amending Regulations 30 to 34 AB inclusive of the Local Government (Administration) Regulation 1996.**

MOTION CARRIED 9-3

16.2 Motion to WALGA Annual General Meeting regarding Official Conduct and Rules of Conduct regulations

File/Ward	:	All Wards (GOV059)
Proposal/Issue	:	Motion to WALGA Annual General Meeting to request a review of the Local Government (Official Conduct) Amendment Act 2007 and the Local Government (Rules of Conduct) Regulations 2007
Subject Land/Locality	:	N/A
Proponent	:	Councillor Paver
Owner	:	N/A
Reporting Officer(s)	:	Andrew Hammond (CEO)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Nil
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Councillor Paver requested that the following motion is presented to Council for consideration prior to forwarding to the WALGA AGM

STATUTORY REQUIREMENTS

2. The Local Government Official Conduct Amendment Act 2007 covers matters relating to Councillor conduct.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Item 16.2 continued

NOTICE OF MOTION BY COUNCILLOR PAVER

THAT Council submit the following motion to the WA Local Government Association for consideration at the forthcoming AGM:

THAT WALGA request the Minister for Local Government and Regional Development to immediately review the Local Government (Official Conduct) Amendment Act 2007 and the Local Government (Rules of Conduct) Regulations 2007, and give effect to changes that better reflect the principles of natural justice in the prescribed complaint process.

Voting requirement: Simple Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT Council submit the following motion to the WA Local Government Association for consideration at the forthcoming AGM:

THAT WALGA request the Minister for Local Government and Regional Development to immediately review the Local Government (Official Conduct) Amendment Act 2007 and the Local Government (Rules of Conduct) Regulations 2007, and give effect to changes that better reflect the principles of natural justice in the prescribed complaint process.

MOTION CARRIED 10-2

17.0 MAYORS REPORT - 20TH MAY 2008

Fellow Councillors:

One of the highlights of this month was undoubtedly the commencement of the Anzac Peace Park. A “turning of the sod” ceremony was held on Anzac Day, at the conclusion of the Anzac Day Memorial Service and it is anticipated that the Park will be completed in time for next year’s Anzac Day services, so that no disruption will occur to this annual RSL event. The original site covers 1.5 hectares but the new park will be extended by reclamation and by the inclusion of land at the west end of the Waterfront precinct, resulting in a total area of more than two hectares. The park will include seating, a dais and a marshalling area for the Anzac Day morning service, along with paths, contouring, spectator areas and a settling pond. Albany’s Anzac Peace Park is a City of Albany project that complements the Albany Waterfront development and recognises Albany’s role in Australia’s Anzac history. Apart from interpretive information throughout the park, three main features will highlight the Anzac connection: a Memory Wall as a memorial to the Anzacs; the Pier of Remembrance signifying the troop departure and recording the names of those from the Albany convoys who died in World War I; and the Lone Pine Grove with Aleppo pines, providing a living connection with the Gallipoli landscape. The project will be undertaken in an environmentally-conscious way, utilising recycled building waste from Albany waste sites, timber from the old Emu Point jetty and slabbed timber from trees taken from gravel pits, including jarrah, sheoak and blackbutt.

I was delighted to welcome Commanding Officer, Capt Stuart Mayer CSC RAN, and the crew of HMAS Anzac to Albany, to take part in the Anzac Day services. It is the first visit back to Albany of our adopted Ship since it took part in the 90th Anniversary of Anzac Day in 2005, leaving Albany to retrace the original voyage of the World War I Anzac fleet. A Civic Reception was held in honour of HMAS Anzac’s visit on the 24th April. I was also privileged to have lunch on-board the Ship with Capt Mayer on Saturday 26th April.

Also visiting Albany for Anzac Day commemorations was a delegation of Turkish guests, including Dr Halit Eren, representing the Turkish Consulate, and Professor Ataov, a renowned international writer and lecturer.

Some of the other significant events that took place over the month were:

- A tree planting ceremony at Eyre Park for Mrs Alice Lewis, to commemorate her 100th birthday.

Item 17.0 continued

- An Indonesian Cultural Food Fair and Concert, coordinated by the Consulate of the Republic of Indonesia, which provided the people of Albany with an opportunity to experience and enjoy the customs, cuisine, entertainment and traditions of Indonesian culture.
- I was honoured to give the keynote address at the Quaranup Memorial Service and to officially open the 2008 Master Builders Expo and the WA State Masters Games.
- I also attended a WALGA breakfast in Perth with Police Commissioner Karl O'Callaghan, to explore policing issues relevant to Local Government, including road safety and community design.

Once again, I acknowledge and thank Deputy Mayor Des Wolfe and those Councillors who have officiated at community events on my behalf.

Before closing I would like to acknowledge the Albany Surf Life Saving Club members, in particular Jo Lucas, for their assistance to shark attack victim Jason Cull at Middleton Beach last week. Your bravery, professionalism and unselfishness, under horrific circumstances, is deserving of the highest praise and I sincerely commend you for your efforts. I would also like to belatedly acknowledge a similar act of bravery and selflessness that took place two months ago, when two young indigenous locals, Reynold Williams and Lareena Woods, saved the life of a fisherman washed off rocks at Salmon Holes. As a community we commend and thank you all.

Thank you.

DRAFT MOTION

THAT the Mayor's Report dated 20th May 2008 be received.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BUEGGE**

THAT the Mayor's Report dated 20th May 2008 be received.

MOTION CARRIED 12-0

Councillor Williams declared an impartiality interest in Item 18.1 – Relocation of Kitson Road Fish Processing Plant. The nature of interest is that the owners of the business are close friends.

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

18.1 Relocation of Kitson Road Fish Processing Plant

File/Ward	: A68387 (West Ward)
Proposal/Issue	: Relocation of Kitson Road Fish Processing Plant
Subject Land/Locality	: N/A
Proponent	: Councillor Williams
Owner	: N/A
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/11/07 – Item 11.1.6 OCM 19/02/08 – Item 11.1.1
Summary Recommendation	: Nil
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Councillor Williams requested that the following motion be presented to Council for consideration.

STATUTORY REQUIREMENTS

2. Council has delegated certain decision-making to staff in accordance with the provisions of the City's two Town Planning Schemes. Where projects do not exceed a value of \$1.5 million authority is delegated to officers to approve and refuse applications.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. There are no Strategic Implications relating to this item.

Item 18.1 continued

COMMENT/DISCUSSION

6. At the February 2008 meeting of Council a resolution was passed that:
“Council, pursuant to Section 6.5 of the City of Albany Town Planning Scheme 3 and Section 218 of the Planning and Development Act 2005, advises the owner of Lot 12 (23) Kitson Road, Gledhow that the current fish processing business located on the property is contrary to the Notice of Planning Scheme Consent issued for the property and that Council requires the land use to cease within a period of six (6) months from the date of the serving of the notice.”
7. The operator of the Fish Processing Plant is not the owner of the property at Lot 12 (23) Kitson Road and the operator is currently having difficulties securing an alternate site for the relocation of the business, where he can achieve total compliance with the Scheme provisions.
8. Given the timeframe imposed by the City to relocate the business, Councillor Williams is concerned with any delays that may be experienced by the operator having to overcome any staff concerns with a policy variation.

COUNCILLOR WILLIAMS’ NOTICE OF MOTION

THAT Council requires any application relating to the relocation of the Kitson Road Fish Processing Plant to an alternate site within the City of Albany, to be brought before Council for determination at the earliest possible meeting after staff receive the application, subject to any required processing obligations being met.

Voting Requirement Simple Majority

.....

The Mayor addressed Council and stated that this item does not warrant Urgent business; however he would put it to the Council to decide.

Councillor Williams then proposed the following motion:

THAT Council consider this item as an urgent item.

<p>MOVED COUNCILLOR WILLIAMS SECONDED COUNCILLOR BUEGGE</p> <p>THAT Council consider this item as an urgent item.</p> <p style="text-align: right;">MOTION CARRIED 9-3</p>

Councillor Williams’ Notice of Motion was then considered.

Item 18.1 continued

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR BUEGGE**

THAT Council requires any application relating to the relocation of the Kitson Road Fish Processing Plant to an alternate site within the City of Albany, to be brought before Council for determination at the earliest possible meeting after staff receive the application, subject to any required processing obligations being met.

**MOTION TIED 6-6
MAYOR EXERCISED CASTING VOTE
MOTION LOST**

Councillor Williams and Walker left the Chamber at 10.40pm.

Members of the Public and media vacated the Council Chamber at 10.41pm.

19.0 CLOSED DOORS

19.1 CEO Performance Review Committee Minutes

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT Council meet behind doors to consider confidential item 19.1 – Chief Executive Officer’s Performance Review in accordance with section 5.23 (2)(a)(b) of the Local Government Act 1995, matters effecting staff.

MOTION CARRIED 10-0

Councillors Williams and Wiseman returned to the chamber at 10.44pm.

Record of decisions made behind closed doors:

Item 19.1 – Chief Executive Officer’s Performance Review in accordance with section 5.23 (2)(a)(b) of the Local Government Act 1995, matters effecting staff; therefore a record of the discussion is not detailed in the minutes.

The Mayor confirmed that all Councillors in attendance were present prior to discussing and making the following resolution.

**MOVED MAYOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the CEO performance Review Committee conducted on 30 April 2008 be received and the following recommendations be adopted:

THAT Council:

- 1. Recognizes and commends the CEO on a good years work - the majority of Councillors completing the documentation found his performance had “Exceeded Expectations” in all areas**
- 2. Request the CEO to submit 4/5 Key Performance Indicators based upon priority projects driven by the goals of Albany Insight “Beyond 2020”.**
- 3. Approve of total remuneration package of \$225,000 effective from 1 January 2008**

MOTION CARRIED 12-0

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT Council open the meeting to the public.

MOTION CARRIED 12-0

The meeting was re-opened to the public and media at 10.51pm.

No members of the public or media returned to the Chamber.

The CEO returned to the Chamber at 10:51pm.

The Mayor read the motions decided behind closed doors to the CEO on his return to the Chamber.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 17th June 2008, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 10.53pm.

Confirmed as a true and correct record of proceedings.

A handwritten signature in black ink, appearing to read 'MJ Evans', written over a horizontal line.

MJ Evans, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Councillor Williams	18.1	<u>Impartiality.</u> Councillor is a close friend of the operators of the fish processing business
Councillor Wiseman	11.2.2	<u>Financial.</u> Councillor is employed by the applicant. Cr abstained from the debate, discussion and voting on this item.

APPENDIX B

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
CEO – Mr Andrew Hammond	11.1.2	<u>Proximity.</u> CEO owns property adjoining the subject site. CEO abstained from the debate, discussion and voting on this item.

[Agenda Item 12.1 refers]
[Council – 20th May 2008]

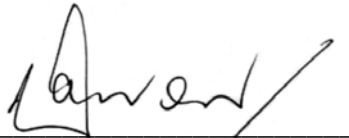
SUMMARY OF ACCOUNTS

Municipal Fund

Cheques	Totalling	\$121,509.47
Electronic Fund transfer	Totalling	\$3,790,048.74
Credit Cards	Totalling	\$11,533.76
Payroll	Totalling	\$663,217.00
	Total	<u>\$4,586,308.97</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$4,586,308.97** which was submitted to each member of the Council, dated 30th April 2008, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.



CHIEF EXECUTIVE OFFICER

(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$4,586,308.97**, dated 30th April 2008, was submitted to the Council, and that the amounts are recommended to the Council for payment.



MAYOR

(M Evans, JP)