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# AGENDA

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**For the Ordinary Meeting of Council  
To be held on  
Tuesday, 21 August 2012  
6.00pm  
City of Albany Council Chambers**

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

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

The Plan states our vision and values as:

### **VISION**

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

### **VALUES**

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

- Results
- Ethical behaviour
- Accountability
- Leadership

ORDINARY COUNCIL MEETING  
 AGENDA – 21/08/2012  
 \*\* REFER DISCLAIMER \*\*

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

**II. OPENING PRAYER**

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

**ITEM 2.0: MOTION**

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

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

**ITEM 3.0: MOTION**

**The Mayor’s Report be RECEIVED.**

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

**V. PUBLIC QUESTION AND STATEMENT TIME**

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

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

Mayor	D Wellington
<b>Councillors:</b>	
Breaksea Ward	R Hammond
Breaksea Ward	V Calleja
Frederickstown Ward	C Dowling
Kalgan Ward	C Holden
Kalgan Ward	Y Attwell
West Ward	G Gregson
West Ward	D Dufty
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles
<b>Staff:</b>	
Acting Chief Executive Officer	L Hill
Executive Director Community Services	C Woods
Executive Director Planning & Development Services	D Putland
Executive Director Works & Services	S Grimmer
Executive Director Corporate Services	G Adams
Minutes	J Williamson
<b>Apologies:</b>	
Frederickstown Ward	G Stocks

**VII. APPLICATIONS FOR LEAVE OF ABSENCE**

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

**ITEM 8.0: MOTION 1**

**THAT the minutes of the Ordinary Council Meeting held on 17 July 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

ORDINARY COUNCIL MEETING  
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\*\* REFER DISCLAIMER \*\*

**IX. DECLARATIONS OF INTEREST**

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



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

### **RISK MANAGEMENT FRAMEWORK**

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

21/08/2012

\*\*REFER DISCLAIMER\*\*

**1.1: AUDIT AND FINANCE COMMITTEE**

**Proponent** : City of Albany  
**Responsible Officer** : Acting Chief Executive Officer (L Hill)

**ITEM 1.1: COMMITTEE RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the confirmed minutes of the Audit and Finance Committee held on 28 May 2012 be RECEIVED.**

**ITEM 1.1: COMMITTEE RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Best Practice Review Implementation Progress Report finalisation.**

21/08/2012

\*\*REFER DISCLAIMER\*\*

**1.1.1: GOVERNANCE COMMITTEE**

**Proponent** : City of Albany  
**Attachments** : Minutes of Governance Committee meeting held on 7 June 2012  
**Responsible Officer(s)** : Acting Chief Executive Officer (L Hill)

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the confirmed minutes of the Governance Committee Meeting held on 7 June 2012 be RECEIVED.**



**SPECIAL GOVERNANCE COMMITTEE**

**MINUTES**

Held immediately following the Special Audit and Finance Committee Meeting on Thursday 7 June 2012, in the Margaret Coates Boardroom, City Office, North Road, Albany

**(File Ref: CM.MEE.6)**

**Terms of Reference:** *The Committee is established under section 7.1A of the Local Government Act 1995 (the Act) and its Regulations. The Committee does not have any delegated authority from Council.*

**1.0 ATTENDANCE**

<b>Mayor</b>	D Wellington(Chair)
<b>Councillors:</b>	
R Hammond	Member
Y Attwell	Member
D Bostock	Member
S Bowles	Member
V Calleja	Member
G Gregson	Member
G Stocks	Member
R Sutton	Member
C Holden	Member
<b>Staff:</b>	
Chief Executive Officer	F James
Manager Compliance and Community Safety	S Jamieson
Minutes	J Williamson
<b>Apologies/Leave of Absence:</b>	
A Hortin	Member
C Dowling	Member
D Dufty	Member

**2.0 ITEMS FOR DISCUSSION**

- 3.1 Delegations-Updated Master Delegations Sheet attached. Please refer to Delegation Paper distributed at previous Governance Committee meeting.  
Reporting Officer: Verbal Briefing by Manager Compliance and Community Safety
- 3.2 Policy-Handling of Complaints By or Against Elected Members-Possible rescission of Policy.
- 3.3 Councillor Hammond's Motion of 17/04/2012-the CEO understands that WALGA have informed the City that this resolution is ultra vires. The Governance Committee should consider rescission of this resolution of Council.

**ITEM 16.4: MOTION BY COUNCILLOR HAMMOND**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON**

**THAT the Governance Committee establish a Complaints Panel as soon as practicable prior to the next Ordinary Council Meeting in order to facilitate and specifically consider any behavioural issues arising in the workplace that may be characterised as discriminatory, harassment or bullying.**

**CARRIED 13-0**

The Committee discussed the rescission of Councillor Hammond's motion. The Committee did not feel that rescission was warranted at this time.

- 3.4 City of Albany Policy and Procedure-Grievance Management

**ITEM 3.4: RECOMMENDATION**

**That the City of Albany Policy and Procedure-Grievance Management, as presented to the last Governance Committee meeting, be endorsed by Council.**

The Committee discussed the Grievance Policy. Councillor Bowles requested that a timeline for dealing with grievances be included in the draft Policy. The motion was not moved or seconded, no decision was made.

- 3.5 Succession Planning for Executive Director Community Services.  
Reporting Officer: Chief Executive Officer. Please refer to the paper distributed at previous Governance Committee Meeting.

All Staff left the meeting to allow discussion among Councillors.

CEO Faileen James and Minute Secretary returned to the meeting at the conclusion of discussion.

- 3.1 CEO pay increase

**ITEM 3.1: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLDEN  
SECONDED: COUNCILLOR GREGSON**

**THAT Council ENDORSE a 3% pay increase to the Chief Executive Officer backdated to 7 February 2012.**

**CARRIED 10-0**

**3.0 GENERAL DISCUSSION** (in the absence of staff).

**4.0 DATE OF NEXT MEETING:** 25 June 2012

**5.0 CLOSURE OF MEETING**

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

**Responsible Officer** : Chief Executive Officer (L Hill)  
**Attachments** : Common Seal Report

**IN BRIEF**

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

**ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION**

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

THE ATTACHMENT TO THIS REPORT WILL BE AVAILABLE PRIOR TO THE ORDINARY COUNCIL MEETING.

**1.3: CITY OF ALBANY PARKING AND PARKING FACILITIES  
AMENDMENT LOCAL LAW 2012**

**Land Description** : City of Albany Municipality  
**Proponent** : City of Albany  
**Attachment** : City of Albany Parking and Parking Facilities Amendment  
Local Law 2012  
**Responsible Officer(s)** : Manager Compliance and Community Safety (S Jamieson)

**IN BRIEF**

- To consider amendments to the City of Albany Parking and Parking Facilities Local Law Local Law 2009 as a result of a directive from the Joint Standing Committee on Delegated Legislation.

**ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT COUNCIL in accordance with Section 3.12 of the *Local Government Act 1995*:

- (I) **RESOLVES TO MAKE** the *City of Albany Parking and Parking Facilities Amendment Local Law 2012* as follows:

**LOCAL GOVERNMENT ACT 1995**

**CITY OF ALBANY PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW  
2012**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Albany resolved on [Insert Date] to make the following local law.

1. **Citation.** This local law may be cited as the City of Albany Parking and Parking Facilities Amendment Local Law 2012
2. **Commencement.** This local law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.
3. **Principal Local Law.** In this local law, the City of Albany Parking and Parking Facilities Local Law Local Law 2009 as published in the Government Gazette on 12 February 2010 is referred to as the principal local law. The principal local law is amended as follows:
4. **Clause 1.4 amended**  
In the definition for “taxi” after “to” insert “it”.
5. **Clause 2 amended**
  - a) Delete clause 2.9.
  - b) Re-designate clauses “2.10” through to “2.17” as “2.9” to “2.16” in sequential order.
6. **Clause 3.11 amended**
  - (a) In clause 3.11(1)(a) delete “an” and insert “a”.
  - (b) In clause 3.11(2)(a) delete “an” and insert “a”.



**7. Clause 3.12 amended**

**Insert “Where” at the beginning of clause 3.12.**

**8. Schedule 2 amended**

**In the table—**

**(a) delete Item 10; and**

**(b) re-designate Items “11” through to “73” as “10” to “72” in sequential order.**

**Dated: [Insert date]**

**The Common Seal of the City Of Albany was affixed by authority of a resolution of the Council in the presence of—**

**Linda Hill  
Acting Chief Executive Officer**

**Dennis Wellington  
Mayor**

**(II) APPROVES the giving of Statewide public notice of the proposed City of Albany Parking and Parking Facilities Amendment Local Law 2012 in order to seek public comment.**

**BACKGROUND**

1. Council at its Ordinary Meeting of August 2009 resolved to adopt the *Parking and Parking Facilities Local Law Local Law 2009* (the Local Law) and in accordance with the *Local Government Act 1995* (the Act) the Local Law was published in the *Government Gazette* on 12 February 2010.
2. On 4 May 2010, Council received advice from Joint Standing Committee on Delegated Legislation that the following clauses in the local law contained typographical errors and requested an undertaking that the following amendments be made:
  - a. Amending the definition of a “taxi” by inserting the word “it” after the word “to”;
  - b. Amending clauses 3.11(1)(a) and (2)(a) by deleting “an” and inserting the word “a”;
  - c. Amending clause 3.12 by inserting the word “Where” at the beginning of clause 3.12;
3. On 4 May 2010, Council received advice from Joint Standing Committee on Delegated Legislation that clause 2.9(3) is a determination device as the clause attempted to sub delegate the exercise of power under the Local Government Act 1995 to a mere resolution of a simple majority of the Council whereas Local Laws must be made by an absolute majority of council members under section 3.12(4) of the Local Government Act. JSCDL has previously allowed special event local laws (such as the Perth Annual Skyshow and Red Bull Air Race) to use determination devices to establish no-parking zones, but only where a procedure is followed when the no parking areas are publicised before the event and adequately sign posted during the event.

4. Accordingly a request was made that clause 2.9(4) be amended to include some reasonable, defined limit to the possible dates that may be used for special events; A further amendment to clause 2.9 was sought to include a provision whereby sufficient local public notice of the special event and the amount of fee payable for special event parking be given.
5. As the knowledge of special events is not sufficiently adequate to provide sufficient notice that Local Governments must follow under Section 3.50 of the Local Government Act 1995 it has been decided to delete the clause 2.9 and the accompanying penalty for the offence created by clause 2.9(2) provided in Schedule 2 of the Prescribed Offences:
6. The Joint Standing Committee on Delegated Legislation was advised on 19 May 2010, that the Local Law would be amended as requested and the City would not rely on, or use, the previously mentioned clauses.
7. The *City of Albany Parking and Parking Facilities Amendment Local Law 2012* has been prepared for Council consideration (refer Responsible Officer Recommendation).

#### **DISCUSSION**

8. Section 3.12 of the Act requires the person presiding at a Council meeting to ensure give notice to the meeting of the purpose and effect of the proposed amendment local law.

**Purpose:** The purpose of this Local Law is to establish the requirements and conditions with which any persons parking or standing a vehicle within the district must comply.

**Effect:** The effect of this Local Law is to provide for the regulation, control and management of parking and standing of vehicles generally and for the regulation, control and management of parking facilities.

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

9. Under section 3.12 of the Act, the City is required to give State-wide publication of its intention to make the Local Law and to invite submissions from the public.

#### **GOVERNMENT CONSULTATION**

10. A copy of the Amended Local Law will be forwarded to the Department of Local Government for consideration and comment before endorsement.
11. The Joint Standing Committee on Delegated Legislation reviewed the primary local law and recommended this listed amendments.

## **STATUTORY IMPLICATIONS**

12. Section 3.12 of the Local Government Act 1995 states:

**“3.12 Procedure for Making Local Laws**

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) *At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
  - a) *give Statewide public notice stating that –*
    - i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
    - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
  - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*  
*(\* Absolute Majority Required).*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice:*
  - a) *stating the title of the local law;*
  - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - c) *advising that copies of the local law may be inspected or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made”*

**FINANCIAL IMPLICATIONS**

13. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the Amendment Local Law. This cost would be approximately \$750 in addition to staff time preparing the advert and liaising with interested parties during the public submission period.

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

15. The Joint Standing Committee on Delegated Legislation was advised on 19 May 2010, that the Local Law would be amended as requested and the City would not rely on, or use, the subject clauses.
16. This commitment was reaffirmed by the Mayor, on behalf of Council on the 17 February 2012.
17. In order to honour the commitment given to the Joint Standing Committee on Delegated Legislation it is recommended that Council resolves to make the amended local law. If Council does not progress the amendments the Joint Standing Committee on Delegated Legislation could revoke/cancel the existing Local Law, leaving the City with no Parking and Parking Facilities legislation.
18. Should Council wish to reconsider its position on the local law (i.e. event parking), it is recommended that such a process is undertaken separately.

**SUMMARY CONCLUSION**

19. In addition to the undertaking provided to the Joint Standing Committee on Delegated Legislation, Council is required to amend the Local Law within two years of providing the undertaking.
20. The procedure for amending local laws requires Council to advertise statewide advising of its intention to make amendment local laws and seeking submissions within a six-week period.
21. Council is then required to consider all submissions prior to adopting the Amendment Local Law.
22. To start the process and comply with the requirements of the Joint Standing Committee on Delegated Legislation, it is recommended that Council resolve to make the *City of Albany Parking and Parking Facilities Amendment Local Law 2012*.

<b>Consulted References</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
<b>File Number (Name of Ward)</b>	All Wards
<b>Previous Reference</b>	OCM 18/08/2008 Item 13.5.1

**LOCAL GOVERNMENT ACT 1995**

**CITY OF ALBANY**

**PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2012**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Albany resolved on [Insert Date] to make the following Amendment Local Law.

**1. Citation**

This Local Law shall be cited as the *City of Albany Parking and Parking Facilities Amendment Local Law 2012*.

**2. Commencement**

This local law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

**3. Principle Local Law**

In this local law, the *City of Albany Parking and Parking Facilities Local Law Local Law 2009* as published in the Government Gazette on 12 February 2010 is referred to as the principal local law. The principal local law is amended as follows:

**4. Clause 1.4 amended**

In the definition for “taxi” after “to” insert “it”.

**5. Clause 2 amended**

- (a) Delete clause 2.9.
- (b) Re-designate clauses “2.10” through to “2.17” as “2.9” to “2.16” in sequential order.

**6. Clause 3.11 amended**

- (a) In clause 3.11(1)(a) delete “an” and insert “a”.
- (b) In clause 3.11(2)(a) delete “an” and insert “a”.

**7. Clause 3.12 amended**

Insert “Where” at the beginning of clause 3.12.

**8. Schedule 2 amended**

In the table—

- (a) delete Item 10; and
- (b) re-designate Items “11” through to “73” as “10” to “72” in sequential order.

Dated: [Insert date]

The Common Seal of the City Of Albany was affixed by authority of a resolution of the Council in the presence of—

---

Linda Hill  
Acting Chief Executive Officer

---

Dennis Wellington  
Mayor

**2.1: PLANNING AND DEVELOPMENT COMMITTEE**

**Proponent** : City of Albany  
**Responsible Officer(s)** : Executive Director Planning and Development Services

**AS NO QUORUM WAS ACHIEVED AT THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY 24 JULY 2012, THERE ARE NO CONFIRMED MINUTES OR RECOMMENDATIONS AVAILABLE.**

**2.2: PLANNING AND SERVICES REPORTS JULY 2012**

**Responsible Officer** : Executive Director Planning and Development  
Services (D Putland)  
**Attachment** : Planning and Services Reports July 2012

**IN BRIEF**

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

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION**

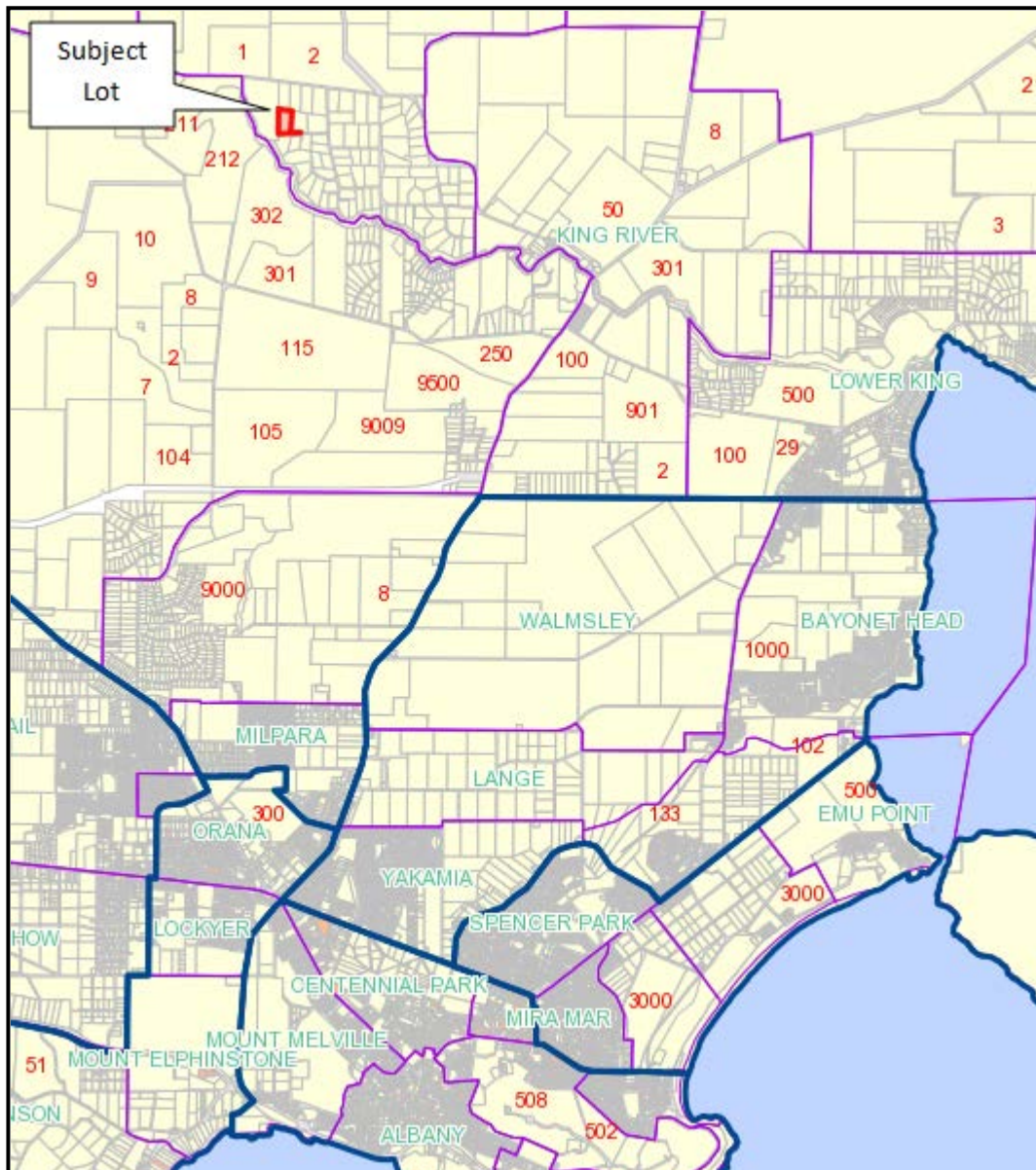
**THAT the Planning and Services Report for July 2012 be RECEIVED.**

THE ATTACHMENT FOR THIS REPORT WILL BE AVAILABLE PRIOR TO THE ORDINARY  
COUNCIL MEETING.

**2.3: DEVELOPMENT APPLICATION – OUTBUILDING - NO. 30  
SILVERSTAR COURT, MILLBROOK**

Land Description	: 30 Silverstar Court, Millbrook
Proponent/Owner	: J Smith
Business Entity Name	: N/A
Attachments	: Site Plan / Elevations / Engineer Certification
Responsible Officer(s)	: Executive Director Planning and Development Services (D Putland)

**Maps and Diagrams:**





## RECOMMENDATION

**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

- 1) **THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for an over height and oversize outbuilding at 30 Silverstar Court, Millbrook subject to the following condition:**
- a) **No activity occurring at the Lot that may cause a detriment to the amenity of the area by reason of noise, smell, fumes or smoke.**

## BACKGROUND

1. On the 30 April 2012, the City received a notification (not complaint) letter from a 'Millbrook' resident. The letter stated the following:  
  
*It has come to my attention that a property...on Special Rural Development listing, may have put up a shed that greatly exceeds the allowable limit for that block...I wish to remain anonymous in this matter.*
2. The City undertook a site visit, assessed its records and concluded that an outbuilding has been constructed at 30 Silverstar Court without approval.
3. The owner was advised of the infringement with the City's Town Planning Scheme and was given two options: either demolish the structure; or submit a retrospective application to clarify the following details:
  - Engineer certification to determine if the structure has been developed in accordance with engineering standards; and
  - Design details, including the height of the outbuilding and the total floor area of all outbuildings at the property to determine compliance with the City's Outbuilding Policy.
4. The owner was advised that: failure to address the non-compliance can result in a Planning infringement NOTICE being served on the property owner/occupier consisting of a \$500 penalty as prescribed under the Planning and Development Regulations 2009; and or Legal proceedings being commenced against the property owner/occupier of the land without further notice.
5. The owner has subsequently submitted a retrospective application with details to show the floor area, height and structure dimensions.

## DISCUSSION

6. On assessment of the details submitted, the following has been concluded:
  - The outbuilding is over the floor area and height permitted in the City's Outbuilding Policy (for an outbuilding on a 'Special Rural' property greater than 4ha); and
  - The outbuilding has been certified by an engineer and is therefore compliant with engineering regulations.

## **GOVERNMENT CONSULTATION**

7. No government consultation was required.

## **PUBLIC CONSULTATION / ENGAGEMENT**

8. The application was referred to adjoining landowners for comment. The following two comments were received:
- *as the immediate neighbours of the applicant we are more than happy to give our view on its construction. Boringly so, we feel that the decision for approval should be based solely on the safety of the structures construction. I am yet to have noticed its presence from the road or our house and despite even stopping to look am unaware of its location. We have no objection at all to the proposed structure.; and*
  - *no objections to the oversized outbuilding at 30 Silverstar Court, that you are dealing with. Yours sincerely Maria De Groot, 724 Hazzard Road, Millbrook.*

## **STATUTORY IMPLICATIONS**

9. The subject site is 4.4ha in area and is zoned 'Special Rural' (No.3B) under Town Planning Scheme No. 3.
10. The City's Outbuilding Policy adopted under Clause 6.9.4 of Town Planning Scheme 3 states;
- A Town Planning Scheme Policy shall not bind the council in respect of an application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
  - Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submission lodged, before making its decision."*

## **STRATEGIC IMPLICATIONS**

11. This item relates to the following elements of the City of Albany Strategic Plan (2011/2021):
- Key Focus Area**  
*Organisational Performance*
  - Community Priority**  
*Policy and Procedures*
  - Proposed Strategies**
    - *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

**POLICY IMPLICATIONS**

12. The development exceeds the provisions detailed in Table 1 of the Outbuilding Policy:

<b>TABLE 1: OUTBUILDING SPECIFICATIONS</b>			
Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings on lot)
Special Rural Zone (Lots 4ha or greater)	4.2 metres	4.8 metres	240m <sup>2</sup>

13. The total outbuilding floor area at the subject property amounts to 244m<sup>2</sup>, which is 4m<sup>2</sup> over the City’s Outbuilding Policy maximum floor area limit (240m<sup>2</sup>) for outbuildings on Special Rural properties (Lots 4ha or greater). This constitutes a 1.66 percent variation to the Policy.
14. There are three outbuildings at the property, two of which have been approved. The two approved outbuildings are 16m<sup>2</sup> and 120m<sup>2</sup> in area, which amounts to a total of 136m<sup>2</sup>. The unapproved outbuilding is 108m<sup>2</sup> (9x12m).
15. The height of the outbuilding to the top of the roof is 5.12m, which is 320mm over the maximum height limit (4.8m) set in the City’s Outbuilding Policy, which constitutes a 6.66 percent variation to the Policy. The wall height of the outbuilding is 4m, which is compliant with the maximum 4.2m wall height defined in Table 1 of the Outbuilding Policy.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>The applicant appeals to a State Administrative Tribunal if the proposal is refused.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>If a decision is made to refuse the application, sound reasoning is required to provide solid defence at a State Administrative Tribunal and an infringement NOTICE may need to be issued.</i>

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

18. If Council refuses the application, reasons are to be given and staff may be required to defend those reasons at a State Administrative Tribunal.

**ALTERNATE OPTIONS**

19. The following options are available:
1. Support the application with or without conditions;
  2. Refuse the application and require demolition.
20. If the proponent fails to comply with a decision that requires the outbuilding being demolished, the City will need to issue an infringement notice and/or undertake legal proceeding at a Magistrates Court.

**SUMMARY CONCLUSION**

21. Staff have recommended that the application is approved as it is not expected to impact on the amenity of the area:
1. The development is majority screened from view by vegetation;
  2. The variations to the Outbuilding Policy for height and floor area are minimal;
  3. Neighbours have no objections to the development; and
  4. The development complies with engineering standards.

<b>Consulted References</b>	:	Council's Outbuilding's Policy Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	:	A54837 (Kalgan Ward)
<b>Previous Reference</b>	:	Nil

City of Albany  
Building Surveyors Dept  
ALBANY, WA 6330.

**RE; REPORT on STRUCTURAL INTEGRITY of EXIST. UNAPPROVED  
STRUCTURE.**

- a) **EXISTING CANOPY - CARPORT (see SITE PLAN, ELEVATION etc), steel frame unapproved.**

**Site; 30 Silverstar Crt, Millbrook, ALBANY, WA.**

The emphasis of this report is on STRUCTURAL INTEGRITY of the buildings. The site/building was inspected 29<sup>th</sup> May 2012. At this time all of the additions/alterations were complete.

1. **Owner Names & Address.** JG & JD Smith, 30 Silverstar Crt, Millbrook, ALBANY.
2. **Site address.** 30 Silverstar Crt, Millbrook, Albany.
3. **Site profile.** Outbuilding Class 10.
4. **Site Classification.** 'S' - to AS 2870, Wind Classification 'N2' to AS 4055.
5. **Summary, description of building.**  
Plans/drawings are included. See plans pages 2.

**CANOPY - CARPORT (9m x 12m x 5.1m high).**

- i). **ROOF.** Trimdek clad (Colorbond cream). TS 12010 purlins @ 1200mm.
- ii). **CEILING.** None.
- iii). **WALLS.** None. Steel post only with 1 bay braced.
- iv). **FLOOR.** Gravel.

**6. SEPARATE SUMMARY LIST OF;**

**[1] All structural defects.**

- none.

**[2] Inaccessible areas.**

- none.

**[3] Secondhand materials.**

- none.

**VARIATIONS TO THE DRAWINGS**

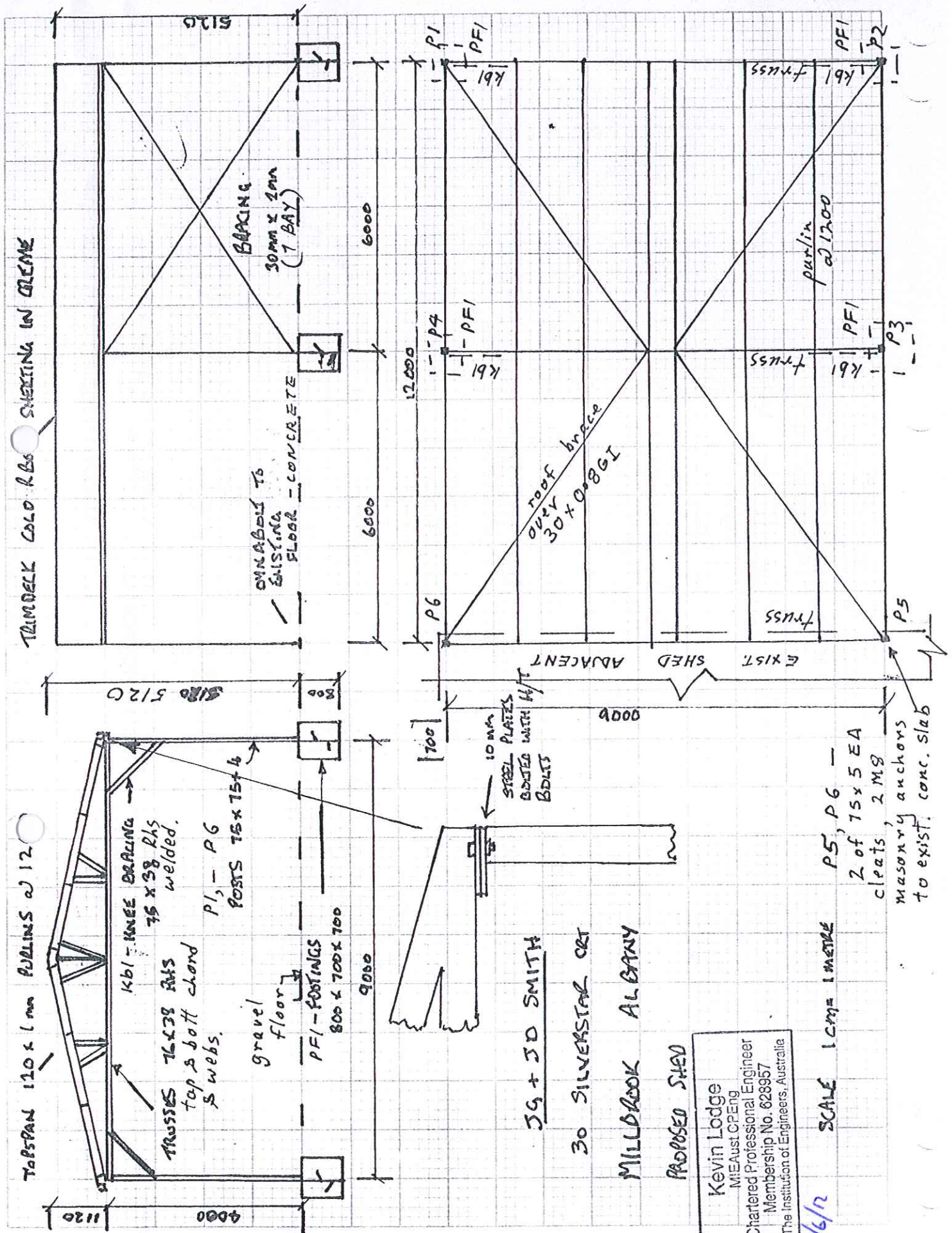
The CANOPY - CARPORT is shown on a Floor/Plan, Section, Elevation supplied by the owner, and further details have been added by the Engineer.

**CONCLUSION**

**I have visited the site & assessed. The buildings described above comply with the accepted standards of structural integrity according to the requirements of the BCA and related Australian Standards.**

Regards,

Kevin Lodge



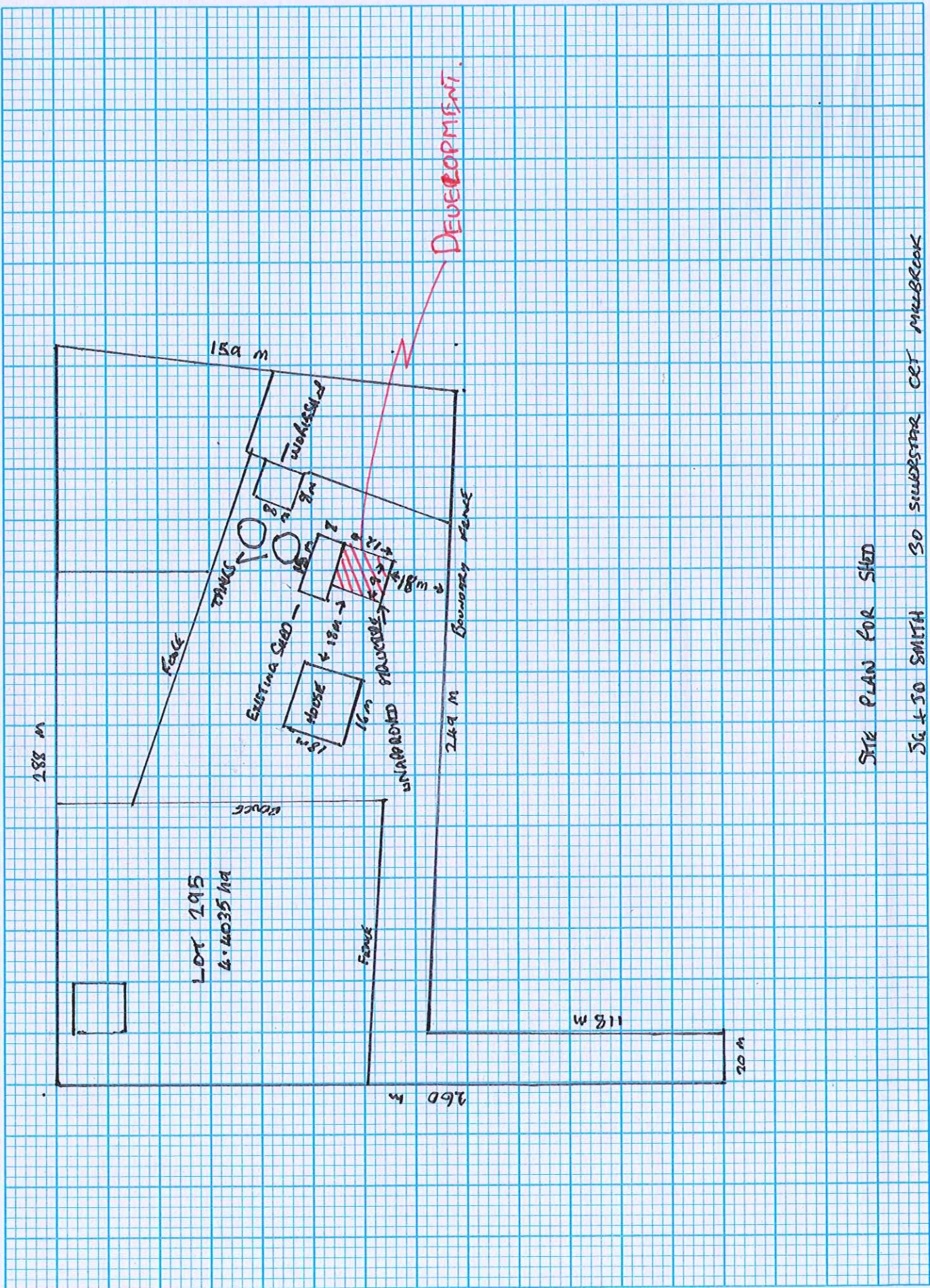
JG + JD SMITH  
 30 SILVERSTAR CRT  
 MILLBROOK ALBANY  
 PROPOSED SHED

Kevin Lodge  
 MIEAust CP Eng  
 Chartered Professional Engineer  
 Membership No. 628957  
 The Institution of Engineers, Australia

SCALE 1cm = 1metre

P5, P6 -  
 2 of 75x5 EA  
 cleats, 2 M8  
 masonry anchors  
 to exist. conc. slab

22/4/12



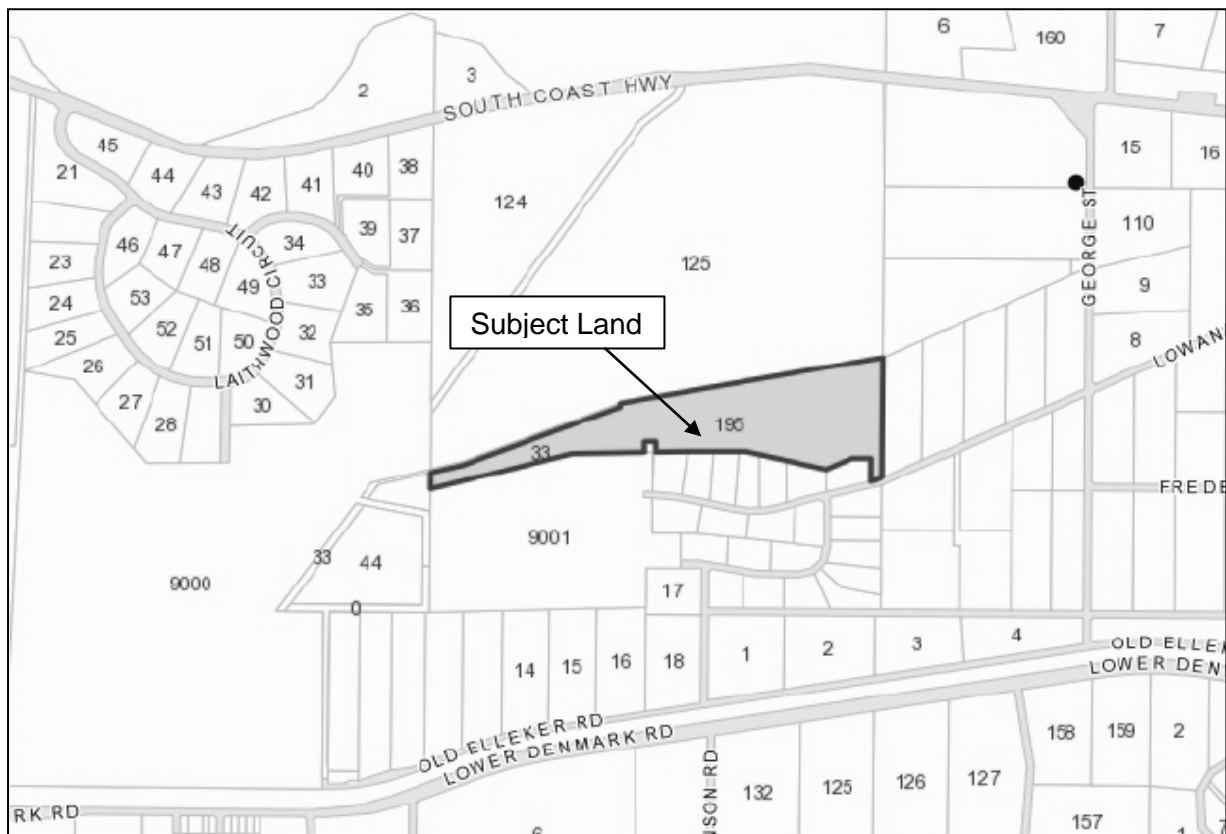
SITE PLAN FOR SHED

JG & JO SMITH 30 SUMMERS CRT MILLBROOK

**2.4: DEVELOPMENT APPLICATION – LIVESTOCK GRAZING AND STABLES - LOT 195 (140) LOWANNA DRIVE, MARBELLUP-**

<b>Land Description</b>	: Lot 195 (140) Lowanna Drive, Marbellup
<b>Proponent</b>	: S, K & R Plant
<b>Owner/s</b>	: Ridgcity Pty Ltd and Goldmap Corporation
<b>Business Entity Name</b>	: N/A
<b>Owner</b>	: J Kinnear
<b>Attachment(s)</b>	: Site plans, floor plans & elevations : Covering letter/s : Copy of Submissions
<b>Councillor Workstation</b>	: Nil
<b>Responsible Officer(s)</b>	: Executive Director Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- A development application has been received for Livestock Grazing and Stables (Horses) at Lot 195 (140) Lowanna Drive, Marbellup.
- Council is required to determine whether the scale and intensity of the use is appropriate within the locality.



**RECOMMENDATION**

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

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Livestock Grazing and Stables at Lot 195 (140) Lowanna Drive, Marbellup subject to the following conditions:**

- a. The effluent storage and disposal system/s for the use hereby approved shall be designed and constructed to the satisfaction of the City of Albany.**
- b. A dust management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.**
- c. A nutrient management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.**
- d. A landscaping plan detailing the size, species and their location shall be submitted for approval in writing, implemented and maintained to the satisfaction of the City of Albany. This shall include a minimum 3m wide landscape buffer along the southern boundary of the lot and plant specimens shall be of advanced growth.**
- e. Stormwater disposal and earthwork plans/details shall be submitted for approval and implemented to the satisfaction of the City of Albany.**
- f. A vehicular parking and access plan shall be submitted for approval and implemented to the satisfaction of the City of Albany.**
- g. The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.**
- h. No signs are to be erected on the lot without the City of Albany's approval, accord with the City of Albany's Sign Policy.**
- i. The use and development shall comply with the City of Albany's *Animals Local Law 2001*.**
- j. The keeping of livestock shall be restricted to fenced pastured areas of the lot.**
- k. No development or stock grazing is permitted within the 'Re-vegetation and Drainage Protection Area' as shown on the Subdivision Guide Plan for Special Rural Area No.22.**
- l. Outbuildings shall be designed and constructed of materials which are in character with the landscape. Unpainted zincalume and off-white colours are not permitted.**
- m. The combined floor area for all outbuildings on site shall not exceed 240m<sup>2</sup>.**
- n. All outbuildings on the site shall comply with the heights contained within Council's Outbuilding's Policy for Special Rural lots over four hectares in size.**

- o. The maximum number of horses on the property shall not exceed ten (including the owner's horses). The number of horses must comply with the maximum stocking rates prescribed by the Department of Agriculture and Food Western Australia at all times.**
- p. The loading and unloading of stock shall occur entirely within the site.**
- q. Horse lessons shall be one on one training and shall not exceed more than eight in any given week.**
- r. A suitable water supply shall be provided for the use hereby approved, to the satisfaction of the City of Albany.**
- s. Areas of significant remnant vegetation, revegetation, and landscape protection as shown on the Subdivision Guide Plan are to be protected, to the satisfaction of the City of Albany.**

## **BACKGROUND**

1. At its meeting dated 19 June 2012 Council resolved to lay the item on the table until further advice is received regarding the stocking rates. Staff have further consulted with the Department of Agriculture and Food Western Australia (DAFWA) and the item has been brought back to Council for a decision.
2. This application is to provide horse agistment, livestock grazing, a stable, and a training facility for both personal and client use at Lot 195 (140) Lowanna Drive, Marbellup.
3. The applicant advises it will:
  - Develop a small "boutique" agistment and training facility, initially for up to four agistees with a maximum of ten as the final goal.
  - Provide approximately six to eight, one on one lesson per week to pupils on their own horses.
4. This lot forms part of the Lowanna Country Estate, which consists of 45 lots in total with this lot being the largest within the estate. The lot is currently under Offer by Purchase by the proponents, and a satisfactory response on this application from the City of Albany is a condition of offer.
5. The subject site is over 19.5 hectares in area and is zoned 'Special Rural' area No. 22 under the City of Albany's Town Planning Scheme No. 3 (TPS 3). The area was rezoned to 'Special Rural' as part of Town Planning Scheme Amendment 255 and the lots have just recently been created.

6. The application was advertised for public comment in accordance with clause 5.1.2.3 of TPS 3 (refer to Statutory Implications section below). Nearby landowners to the site were notified, a site notice was placed on the front of the property and an advertisement was placed in a local newspaper. The advertising period closed on 12 April 2012 and a total of six public submissions were received, four were opposed to the application and the other two expressing support.
7. The proposal was also referred to the following State Government agencies, Department of Water, Department of Environment and Conservation and Department of Agriculture and Food Western Australia, a response was received from all agencies.
8. Both the government and public responses will be discussed in further detail under the consultation sections of this report; a full copy of their comments is within the agenda attachment section.
9. The application has been referred to Council for consideration due to the substantive comments received following the advertising period. This is in accordance with the requirements of Council's adopted Guideline "Planning Applications".
10. Council is required to consider the strength of the arguments raised in those submissions and determine whether the scale and intensity of the use is appropriate within the locality.

#### **DISCUSSION**

11. The subject land slopes upwards to the north-east, gradually getting steeper as it reaches the corner of the northern and eastern boundaries. Vehicular access to the property is from Lowanna Drive via an existing crossover and driveway constructed adjacent to the eastern boundary of the lot.
12. The site is currently vacant; there are no permanent structures or buildings located on the property.
13. A vegetation and drainage protection area extends over just under half of the lot and its purpose is to shield the drainage/creek line that flows east to west. There are also two natural water soaks located within this area. This protection area has been fenced off and is not suitable or permitted to be used for development. The proponent is aware that no development or stock grazing is permitted in this area.
14. Although there has been some tree/shrub planting on site (most of which is along the northern boundary), there is no substantial remnant vegetation located outside of the vegetation and drainage protection areas.
15. There is a 10m easement corridor on the certificate of title running along the full length of the eastern boundary to allow for construction of the underground slurry and water pipelines for the proposed Grange mine in Wellstead. The proponent has also advised that there is also an additional fifteen meter corridor which prevents building and planting until the pipeline has been constructed.

16. The proponents have advised that the lot consists of approximately 12 acres of all year winter dry pasture, 12 acres of restricted pasture on deep sand that will be waterlogged for approximately 5 months of the year and 24 acres of restricted land (vegetation and drainage protection area).

**Infrastructure:**

17. Although permanent fencing will be installed in the future, the initial fencing will be electric. A dressage arena approximately 60m x 20m surfaced with sand and suitably drained and a round fenced training yard 20m in diameter and a predominantly flat general riding area is proposed.
18. A central stable block (14m in length by 11.6m in width with a maximum height of 4.3m) will also be constructed, this will house a tack room, feed room, undercover float parking and general storage. A shed (10m in length by 7m in width with a maximum height of 4.6m) for general work area and storage of general equipment and small farm machinery (small tractor etc) will also be constructed. There is also sufficient space adjacent to the stables and general shed for between 2-4 horse floats and a regular vehicular parking.
19. All structures and buildings comply with the setback requirements for the area (require minimum 15m setback required from Lowanna Drive and 10m from all other lot boundaries) and are located within the building envelope as noted on the Subdivision Guide Plan.

**Pasture Management:**

20. The current pasture on site is predominantly kikuyu, the proponents intend on improving the pasture by encouraging a mix of annual and perennial pastures. The management of livestock will be that the horses graze on the pasture as well as being hand fed and stabled at times, if requested by owner for safety reasons or if required to prevent overgrazing of paddocks.
21. Stocking rates are based on a number of criteria, including soil types, feeding and watering regimes etc. The total number of horses allowable on the property will be a determination of DAFWA and will be based on these and other criteria. However, the proponents have indicated that they will keep up to 4 of their own horses in addition to a maximum of 10 agisted horses.
22. DAFWA have advised that they are unable to determine the exact stocking rates applicable to the site until a dust management plan, nutrient management plan, stormwater disposal and earthwork plans are submitted, which are all conditions of approval. In the absence of definitive advice from DAFWA, staff have used their document 'Stocking Rate Guidelines for Rural Small Holdings' for the Swan Coastal Plan and Darling Scarp area to determine the approximate stocking rates. It is noted that for wet soils in the in the Swan Coastal Plan and Darling Scarp area which have similar characteristics to those on site for a large horses it is calculated as one horse per hectare. The site has approximately 10.5 hectares of useable area (not including the revegetation and drainage protection areas) and therefore the estimated stocking rates applicable to the site is 10 horses.

23. Staff recommend that Council restrict the maximum number of horses on the property (including the owners) to 10 and recommend the following condition be placed on the approval;

- *The maximum number of horses on the property shall not exceed ten (including the owner's horses). The number of horses on the site are subject to complying with stocking rates recommended by the Department of Agriculture and Food Western Australia.*

This condition not only restricts the maximum number of houses allowed on the site to one horse per hectare, however also ensures that the number of horses on the property must comply with the stocking rates by DAFWA. For example, if after reviewing the additional information and DAFWA advise that the stocking rates are only 5 horses on the lot, this will be the maximum number allowable. This condition can easily be enforced by Council's compliance officer/s.

**Water Management:**

24. Water is primarily needed for watering stock, and will also be used for irrigating some paddocks and wetting down the dressage arena to prevent dust. Although scheme water is available to the lot, this will be used minimally. Water tanks will be installed and there are also two soaks in the vegetation and drainage protection area, the proponents have advised that the Department of Water (DoW) has given verbal approval that water can be drawn from these soaks and the eastern soak may be dug out further, this will be subject to the separate approval of DoW. DoW has also advised that the installation of a bore is acceptable.

**Vegetation**

25. An approximate 3m strip of trees will be planted along all boundary lines, with the exception of the eastern boundary, where trees will be set in 25m from the boundary (due to the covenants and easements to do with the pipeline) and along internal fence lines once the permanent fencing has been constructed.
26. Timeframes for revegetation of the buffer zone will be agreed with the proponents and form part of the landscape plan as per the recommended condition. The recommended approval condition requires that the landscape plan will be in place prior to commencement of operations. Implementation timeframes will necessarily form part of the landscape plan and must be agreed prior to commencement of activities on the site.

**Dust Management**

27. The most likely source of dust would be from the dressage area during summer months, sprinklers will be installed and the arena will be wet down when in use. Trees and shrubs will also be planted to reduce wind and provide shade to mitigate dust problems.
28. Suitable management of pasture and stocking rates will reduce the risk of dust and land degradation.

29. Implementation timeframes form part of the dust management plan and must be agreed prior to commencement of activities on the site. The recommended approval condition requires that the dust management plan be in place prior to commencement of operations.

**Odour Management**

30. Horses will be managed over the property as opposed to grouped in a central location. Manure from the yards and stables will be composted near the stables and appropriate composting measures will be undertaken to minimise odour.

**Nutrient Management**

31. The most likely source of nutrient export will be the horse manure. The manure from yards and stables will be collected and composted (along with other organic waste from the lot), in a manner to prevent leakage into the soil.
32. The paddocks will be harrowed to break up and spread the manure so that is not left in a concentrated form and the composted manure will be spread back over the paddocks as an organic fertiliser.
33. The subject land is surrounded by the following zones and uses:
- Medium to large rural lots to the north and west used for small scale agricultural activities.
  - Small rural lot to the east currently used for similar small scale livestock (horse) grazing.
  - City Reserve to the north east which is currently bushland and formed part of a group of lots used for the previous City rubbish site and extractive industry (gravel).
  - Special rural lots to the south approximately 1 hectare in size.
34. The proposal is consistent with and meets the objectives, subdivision guide plan and the provisions for Special Rural Area No.22 under TPS 3.

**GOVERNMENT CONSULTATION**

35. The application was referred to the Department of Agriculture and Food Western Australia (DAFWA), the Department of Environment and Conservation (DEC) and the Department of Water (DoW), a summary of their comments is below:

**Department of Water:**

36. As the foreshore revegetation area is identified as a development exclusion zone, no development or stock should occur in this area. DoW has no objections to the proposed equine facilities. The application identifies firebreaks within the foreshore revegetation area, this in conflict with the foreshore management plan (FMP) that was part of the subdivision. The FMP requires the owners of lot 195 to be responsible for maintaining firebreaks outside the revegetation protection area. Grazed paddocks adjacent to the revegetation areas should also minimise the fuel load and fire risk. DoW recommends that the prospective purchasers be given a copy of the FMP and tree planting proposal prepared for the subject lot by Ayton Baesjou Planning.

**Department of Environment and Conservation (DEC):**

37. DEC advises that the City should consider a requirement that native species be used for revegetation. It is also noted that the shallow valley which runs east to west across the site is classified as an area of *Moderate to Low* risk of Acid Sulphate Soil occurrence. DEC recommends that the applicants meet the '*Environmental Guidelines for Horse Facilities and Activities*'. In its present form, the application appears to have several inadequacies with regard to the guidelines, in particular site design, buffers, stocking rates, soil protection groundwater and surface water protection.

**Site Design and Buffers**

38. The proposal is located less than 1 km north of a public drinking water source area ("South Coast Water Reserve") and less than 500m from a Waterways Conservation Act gazetted area ("Albany Management Area"); hence the management of any wetlands or soaks is important. It is also unclear from the plans whether horses are to be excluded from waterways and seasonally boggy areas for which a 30 metre buffer is required in accordance with the '*Environmental Guidelines for Horse Facilities and Activities*'. The application advises that seasonally boggy areas will be restricted for grazing for five months of the year.
39. The proposed stables appear to be located close to neighbours on the eastern side of Lot 195; however the actual distances to neighbours are not stated within the application.
40. The EPA Guidance Statement No.3: Separation Distances Between Industrial and Sensitive Land uses (WA EPA 2005) recommends a buffer of 100 - 500m for horse stables depending on size of operation.
41. The composting of manure will occur relatively close to the stables and therefore close to the eastern neighbour. This could cause nuisance odour for the resident.

**Stocking Rates and Soil Protection**

42. It cannot be determined from the application what the stocking rates will be and whether these meet the guideline for soil protection (Table 4), due to a lack of information on soil type and exact area of grazing.

**Groundwater and Surface Water Protection**

43. A minimum separation distance of 1.2m is recommended in the guidelines to protect groundwater from nutrient contamination originating from manure and other nutrient rich wastes.
44. It is recommended that the compost have a weather proof cover in periods of rainfall (to prevent unnecessary generation of leachate) and for leachate from the compost area to be contained and appropriately treated/disposed of.
45. It would be preferable that any leachate from activities on site is contained and either disposed of via septic, sewer, controlled irrigation or transferred to an impervious evaporation pond. Clean stormwater should be directed away from any areas in which it may become contaminated by the use of drainage lines/bunds (if required) to minimise leachate generation.
46. The spreading of manure on site is mentioned but the methods to be used are not detailed. It is assumed the spreading of manure will occur after composting, but it is unclear what equipment (if any) will be used to spread the manure and also whether spreading will be restricted to certain weather conditions (eg not in heavy rainfall periods) and certain areas (eg low-lying or flood-prone areas). It is not discussed how nutrient loads will be managed when applying manure and whether the recommended limits in the guideline for the soil type will be adhered to. The guidelines also mention the need for care to be taken with the use of sawdust and wood waste for bedding, and the environmental risks to waterways which can be associated with drenching.

**Department of Agriculture and Food Western Australia**

47. There were a number of deficiencies in the application presenting challenges for the DAFWA to provide a well considered response. DAFWA is unable to determine if the proposal is likely to cause either land degradation or land use conflict based on the information supplied. However DAFWA provides the following comments;
  - There is no data provided about the soil type information or land contours, which is required to determine nutrient management issues etc.
  - There are no water budget/estimates, application should be conditional on getting approval for a bore.
  - No indication in infrastructure design for managing land degradation e.g. run off rain and dust from livestock movement.
  - No reference to industry guides for stable and arena design. No reference to design of sheds for safe handling /storage chemical.
  - No reference to traffic management.
  - Does not detail nutrient management plan
  - No commitment to maintaining pasture cover at between 50-70% at all times, this is an Industry standard.
  - No assurance that they will protect vegetation.
  - Good indication of consideration for neighbours.



- Dust management, the information provided is good but perhaps not considered all sources of dust.
48. A copy of the submissions received by the government agencies was sent to the proponent. The proponent has provided a response. Although a full copy of their response is within the agenda attachment section, a summary of the main points within the response is as follows;
- Stable and arena will be designed in accordance with industry standards, best practice and welfare requirements.
  - There is no plan to keep large quantities of chemicals on the property, the intention is to maintain the property along organic principles.
  - Pasture will be maintained at minimum 70% coverage, paddocks are to be grazed rotationally and rested when pasture is at 5cm in height.
  - Revegetation on site is to be of local plant species.
  - I have reviewed publication '*Environmental Guidelines for Horse Facilities and Activities*' and plan to adhere to these guidelines.
  - Manure is to be composed as per "best practice" composting guidelines e.g. turning the pile frequently, preventing it from being too wet or dry etc.
  - Stocking rates will be as per DAFWA.
  - Manure will be spread in accordance with environment and best practice guidelines.'
  - Soil testing will be done to ensure appropriate nutrient levels.
49. In summary the comments received from the Government agencies can be suitably addressed and controlled through planning conditions before the commencement of use/development if approval is considered appropriate such as;
- A dust management plan.
  - Stormwater management plan.
  - Detailed earthworks plan.
  - A nutrient management plan.
  - Detailed effluent disposal plans/system.
  - Sufficient water supply is to be made available for the use.

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

50. As previously stated a total of six public submissions were received, four were opposed to the application and the other two expressing support of the application, below is a summary of the submissions:

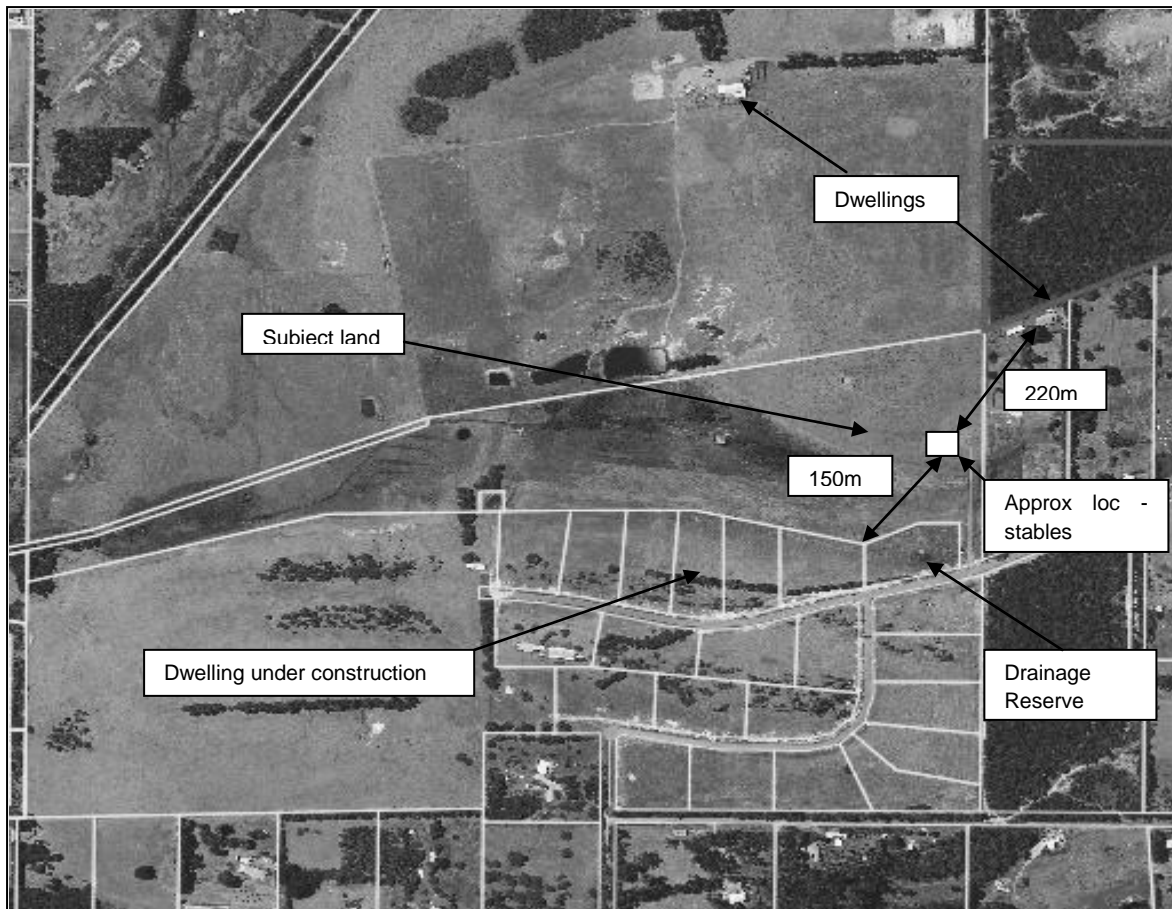
**Opposing**

- The application does not suit the peaceful special rural lifestyle that has been advertised with the Lowanna Estate Subdivision. We have bought and built at this location because we wanted a relaxing, quiet rural aspect, with the benefits of being close to the city centre.
- The plan does not detail the number of horses the applicant is personally allowed to keep;
- Due to the nature of this being a leisure industry, much of it would take place after school and on the weekends, time when we would like to enjoy the relaxing, quiet rural atmosphere we have built in.
- The area proposed for the dressage arena and other main buildings is subject to flooding; therefore significant earthworks would be required to enable this area to be used appropriately. This would also increase the heights of the buildings. During the summer months, parts of the grazing area will be very dry; meaning large amounts of dust will be spread throughout the property where horses are grazing.
- Large numbers of horses promote flies, regardless of whether manure is collected and composted or not.
- Horses can damage fences by leaning over to get the grass on the other side.
- There is no time frame in the application for the planting of trees to screen buildings from view, nor is there any stipulation on what type of trees will be planted.
- Livestock maintained in the proposed segment of land would result in an accumulation of ammonia and waste in the catchment area. This would adversely affect the existing environment as we have noted frogs, kangaroos, etc in this area and would not like to see the natural balance significantly altered.
- We have chosen this site as a clean area with little or no health concerns. With the increase of mosquito-borne viruses, we are worried that as effluent is added to the water catchment area it could potentially become a breeding ground for known or even new viruses which may affect our family.
- We fully expected our outlook to be of a rural aspect; however the erection of several buildings (in excess of the maximum allowed) would destroy our tranquil vista.
- There will be an increase in vehicles associated with the use. Our main concern is that these animals may be ridden off the property, posing a hazard to drivers

**Supporting**

- We would like to express our agreement of the proposal as is; we feel that what has been outlined is an excellent idea and good use of the property in question, which shares our boundary.
- No issue with the proposal, good luck to them and welcome to the neighbourhood.

51. Below is an aerial showing the subject site and the distances the stables are to neighbours dwellings and properties.



52. The Environmental Protection Authority's (EPA) "Separation Distances between Industrial and Sensitive Land Uses" guidelines set out a buffer of 100-500 depending on the size for horse stables. These guidelines focus on protecting sensitive land uses (dwellings etc) from unacceptable impacts on amenity that may result from industrial activities, infrastructure and emissions (including noise and odour etc). As you can see from the map above the closest existing dwelling is over 220m from the proposed stables and the stables are 42m with the manure/compost area over 105 from the closest (eastern) boundary. It should also be noted that the eastern neighbours also keep horses and have yards and stables within 50m of the shared boundary. The next closest neighbour in the estate is too the south-west and they are over 150m from the proposed stables. Given the scale of operation proposed it is considered that the location of the stables and manure/compost area meet the buffer requirements set out by the EPA.

53. Given the concerns expressed during the advertising period regarding the amount of buildings on the lot, the proponent has since removed the paddock shelters from the application and reduced the size of the general storage shed. With these modifications the proposal now complies with the floor area requirements contained within the City's Outbuilding's Policy. It should also be noted that there are possible alternative stable layouts that may utilise less space. To allow minor variations to the design and size staff consider it

appropriate to have a standard condition of approval requiring the application to comply with the Council's Outbuilding's Policy.

54. The main consensus from the submissions is the possible impacts generated by the horses themselves (odour, increase in flies, diseases), however planning approval is generally not required for the keeping of horses for personal benefit and use subject to complying with the stocking rates recommended by DAFWA. Special rural lots are created to allow the mixed use of small rural holding land and for uses such as this, especially this area. Several nearby lots are also used for equestrian activities, the lots are being advertised as perfect for the keeping of horses. The lot lends itself to the keeping of horses whether for commercial gain or not. It should also be noted that the development sign advertising sale consists of a photograph of a horse (refer to photos in the agenda attachment section). Again it is considered that conditions (including a 3m wide landscape buffer) can be applied to the approval that will alleviate the majority of issues relating to noise, dust, increase in traffic etc.
55. A summary of the public comments received were sent to the proponent. A response to all of the submissions has been received from the proponent, a full copy of this, is within the agenda attachment section.

#### **STATUTORY IMPLICATIONS**

56. As per clause 3.1.14 – *Special Rural* of TPS 3 the broad objectives of the Special Rural zone are as follows;
- “To provide areas where members of the community who desire to live in a rural atmosphere may engage in a variety of activities appropriate to their area (as indicated in “Schedule 1” to this Scheme), which may include hobby farming, horse breeding, rural residential retreats and intensive agriculture, if it is considered that such use is consistent with the preservation of the rural landscape and amenity”.*
57. The objectives of ‘Special Rural’ area No. 22 are too;
- *“Provide lots with a flexible special rural zoning that among other things, may permit the keeping of domestic stock in accord with the principles of good land management;*
  - *Provide land for rural residential living in close proximity to existing urban areas and facilities; and*
  - *Provide for site beautification in terms of tree/shrub planting and standard of dwelling construction”.*
58. As per the provisions of ‘Special Rural’ area No. 22 the use of livestock grazing and stables are uses that may be permitted subject to the special approval of Council. Although there is no mention of advertising under these provisions, the uses that may be permitted subject to the special approval of Council are generally uses that under the zoning table of TPS are classified as “AA”, which are uses that require advertising (referral to neighbours, sign on site and advertisement in a local newspaper). For consistency across the municipality this application was advertised as per clause 5.1.2.3, as if it was an “AA” use under the zoning table of TPS 3.

59. Under section 5.2 - *Consultations With Other Authorities* clause 5.2.1 states;

*“In considering any application for planning consent the Council may consult with any other statutory, public, or planning authority it considers appropriate”*

**STRATEGIC IMPLICATIONS**

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

**Key Focus Area**

*Sustainability and Development*

**Community Priority**

*A diversified industrial base*

- *Advocate to protect primary production, farming and agriculture as viable industries.*

**POLICY IMPLICATIONS**

61. Council’s Outbuilding’s Policy defines an “outbuilding” as;

*“Any Class 10A building under the Building Code of Australia (1996) Volume 2, which is not substantially connected to a dwelling”*

62. The stables and shed are Class 10A buildings and therefore are required to comply with the Policy. As the proponent has reduced the size of outbuildings on the lot the proposal now complies with the acceptable requirements contained in Council’s Outbuilding’s Policy.
63. Given the size of the lot and the intended use, a separate application in the future may be lodged for an exemption to the 240m<sup>2</sup> floor area restriction, however this will require to be assessed against the overall objectives of the Policy and on the merits of the application.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>A third party may lodge an application to appeal to the State Administrative Tribunal of the City’s determination of the application.</i>	<i>Unknown</i>	<i>Moderate</i>	<i>Moderate</i>	<i>The decision is based on sound planning grounds.</i>

**FINANCIAL IMPLICATIONS**

65. The proponent has paid the appropriate fee as per the Planning Application Fees Schedule adopted by Council. This fee is non-refundable.

**LEGAL IMPLICATIONS**

66. Council's determination could allow the proponent or a third party to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

**ALTERNATE OPTIONS**

67. Council has the option to refuse the application for Livestock Grazing and Stables. A motion to that effect could be:

*Part 1 of Alternate Recommendation*

*That Council resolves to ISSUE a Notice of Planning Scheme refusal for Livestock Grazing and Stables (Horses) at Lot 195 (140) Lowanna Drive, Marbellup, for the following reason:*

*The proposed use and associated activity is incompatible with the special rural setting of the area, giving rise to increased vehicular movements and activity with a detrimental impact on the amenity of the neighbourhood (odour, dust etc).*

**SUMMARY CONCLUSION**

68. This application is to provide horse agistment (maximum of ten agistees), a training facility, private lessons (up to six to eight, one on one lessons per week), and livestock grazing at Lot 195 (140) Lowanna Drive, Marbellup. Overall the proposal is consistent with the broad objectives of the Special Rural zone and the specific objectives and provisions relating to Special Rural Area No.22 under TPS 3.
69. Staff considers that the proposed use is suitable to the site and in the area. The lot lends itself to a small scale rural venture such as this.
70. The majority of issues expressed in the public submissions were concerned with a perceived loss of amenity. It is considered that the proposed development complies with the minimum separation distances as recommended by EPA. It is considered that the concerns identified by the relevant government agencies and the public can be suitably addressed and controlled through planning conditions (stocking rates, dust, effluent control, landscaping and screening etc).

<b>Consulted References</b>	Council's Outbuildings Policy Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	A221715 (West Ward)
<b>Previous References</b>	Item 2.4 - OCM 19/06/12



City of Albany Records  
Doc No: ICR 1263110  
File: DB.PSC.1  
Date: 10 APR 2012  
Officer: PLAN20

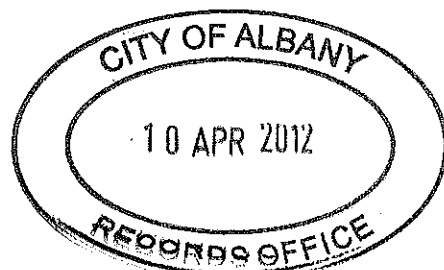
Attach:  
Box:  
Vol:  
Box+Vol:

Re: Application for planning consent of Livestock Grazing and Stables at 140 Lowanna Dve Marbelup

To Chief Executive Officer:

We are currently building our family home at Lot 175 Lowanna Dve Marbelup. We object to this proposal for the following reasons:

- The application does not suit the peaceful special rural lifestyle that has been advertised with the Lowanna Estate Subdivision. We have bought and built at this location because we wanted a relaxing, quiet rural aspect, with the benefits of being close to the city centre. We do not wish to have someone running their business in almost our backyard;
- There appears to be no upper limit on the number of horses that can be grazed on the property. Although the plan outlines the number of agistees, it does not detail the number of horses the applicant is personally allowed to keep;
- Due to the nature of this being a leisure industry, much of it would take place after school and on the weekends, time when we would like to enjoy the relaxing, quiet rural atmosphere we have built in.
- The area proposed for the dressage arena and other main buildings is subject to flooding, therefore there would need to be a significant amount of siteworks required to enable this area to be used appropriately e.g. last winter (2011) the road accessing this property, and the adjacent areas were underwater for many months;
- Conversely, during the summer months, parts of the grazing area will be very dry, meaning large amounts of dust will be spread throughout the property where horses are grazing. Although the planning application states that pasture management and suitable stocking rates will remove the risk of dust, we find it difficult to believe that this will be sustainable, especially if we have another summer as dry as 2011/12.
- Large numbers of horses promote flies, regardless of whether manure is collected and composted or not.
- Horses can damage fences by leaning over to get the grass on the other side.
- There is no time frame in the application for the planting of trees to screen buildings from view, nor is there any stipulation on what type of trees will be planted. Point 7.2 in the application – Trees to be planted along the southern fence line to provide shade and also a windbreak, screening buildings from view – Screening the buildings from view would be unlikely given the elevation of our house and the elevation of the stables compared to the low lying area of the boundary fence.



## AGENDA ITEM 2.4 REFERS

- Given that this particular block is largely sloping, it will require substantial siteworks to construct a level base for buildings to be erected. This also means that the proposed height of the buildings will be somewhat higher on the southern side, impacting on our line of sight.

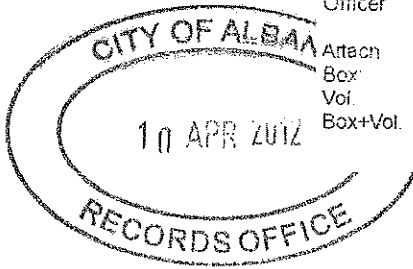
This list is only the major reasons why we object to this planning application being approved. There are many other concerns we have with a facility like this being built in this location.

Above all, we have bought and built at Lowanna Estate to have a small amount of land that provides us with a sanctuary from the demands of our own business, and a place to raise our family in a quiet rural setting. Having an agistment and training facility being run so close to our home does not fit in with the lifestyle we envision for our family.





Doc No City of Albany Records  
File ICR1262982  
Date CU.PRA 7  
Officer 10 APR 2012  
EHA



Attach  
Box D8  
Vol 21  
Box+Vol D8\*21

RE: Proposed Livestock Grazing & stable  
P2120039

To whom it may concern,

We are writing this letter to advise you that we are concerned about a few issues regarding the Horse Stables and Training Area in Lowana Estate.

- Increase in Flies to the Area
- The smell of the Horse Manure
- Traffic and Noise to the Area
- Possibility of Horses damaging our fences and doing damages to our properties and putting our kids in Danger
- Increase of insects during the wet season due to the mud that will occur from the horses

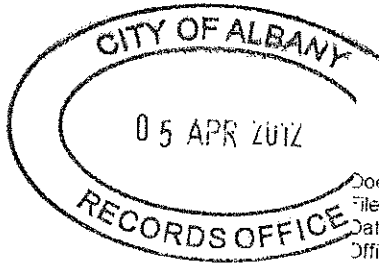
Please advise us on what you are going to do to make sure that none of these issues occur.

We look forward to your response

Regards

A221715

TAYLOR



Doc No. City of Albany Records  
File ICR1262766  
Date A221715  
Officer 05 APR 2012  
PLAN20

Chief Executive Officer  
PO Box 484  
ALBANY WA 6331

Attach  
Box  
/of  
Box+Vol

Dear Sir,

**RE: Proposed Livestock Grazing & Stables/P2120039  
140 Lowanna Drive, Marbelup**

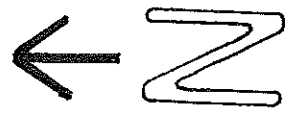
We would like to provide comment on the above application for planning consent. Our comments can be made public, however we wish to remain anonymous to anyone other than the City of Albany.

As new purchasers of a block in Lowanna Country Estate we feel that our newly acquired future home site will be degraded by the proposed endeavour for the following reasons:

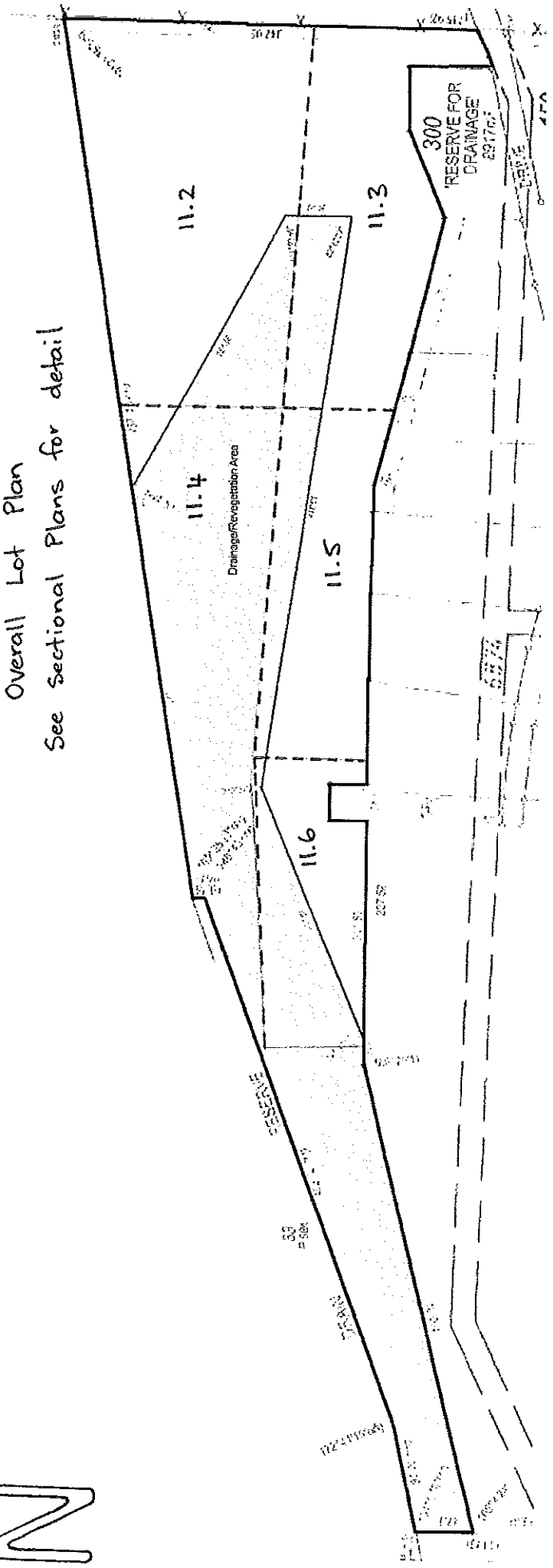
- Livestock maintained in the proposed segment of land would result in an accumulation of ammonia and waste in the catchment area below, due to the incline of the land and subsequent run off. This would adversely affect the existing environment as we have noted frogs, kangaroos, etc in this area and would not like to see the natural balance significantly altered.
- We have chosen this site as a clean area with little or no health concerns. With the increase of mosquito-borne viruses, we are worried that as effluent is added to the water catchment area it could potentially become a breeding ground for known or even new viruses which may affect our family.
- We fully expected our outlook to be of a rural aspect, however the erection of several buildings (in excess of the maximum allowed) would destroy our tranquil vista. We are quite sure that if we exceeded the building limits placed on these blocks, similar objections would be made with subsequent rectification made, so we expect that others would adhere to the same guidelines.
- Anticipated traffic for this estate is considered to be mostly residential, however with animals being agisted and lessons provided there will be an increase in vehicles. Our main concern is that these animals may be ridden off the property (as there is nothing to say they can't), posing a hazard to our children whom are about to acquire a new driver's licence. We do not drive our vehicles in the vicinity of horses as they pose a risk to everyone's safety (not to mention having to swerve to avoid deposits on the road as we are conscientious 'unique car' owners who look after our investments).

We thank you for your consideration towards our concerns in this matter.

Yours sincerely,

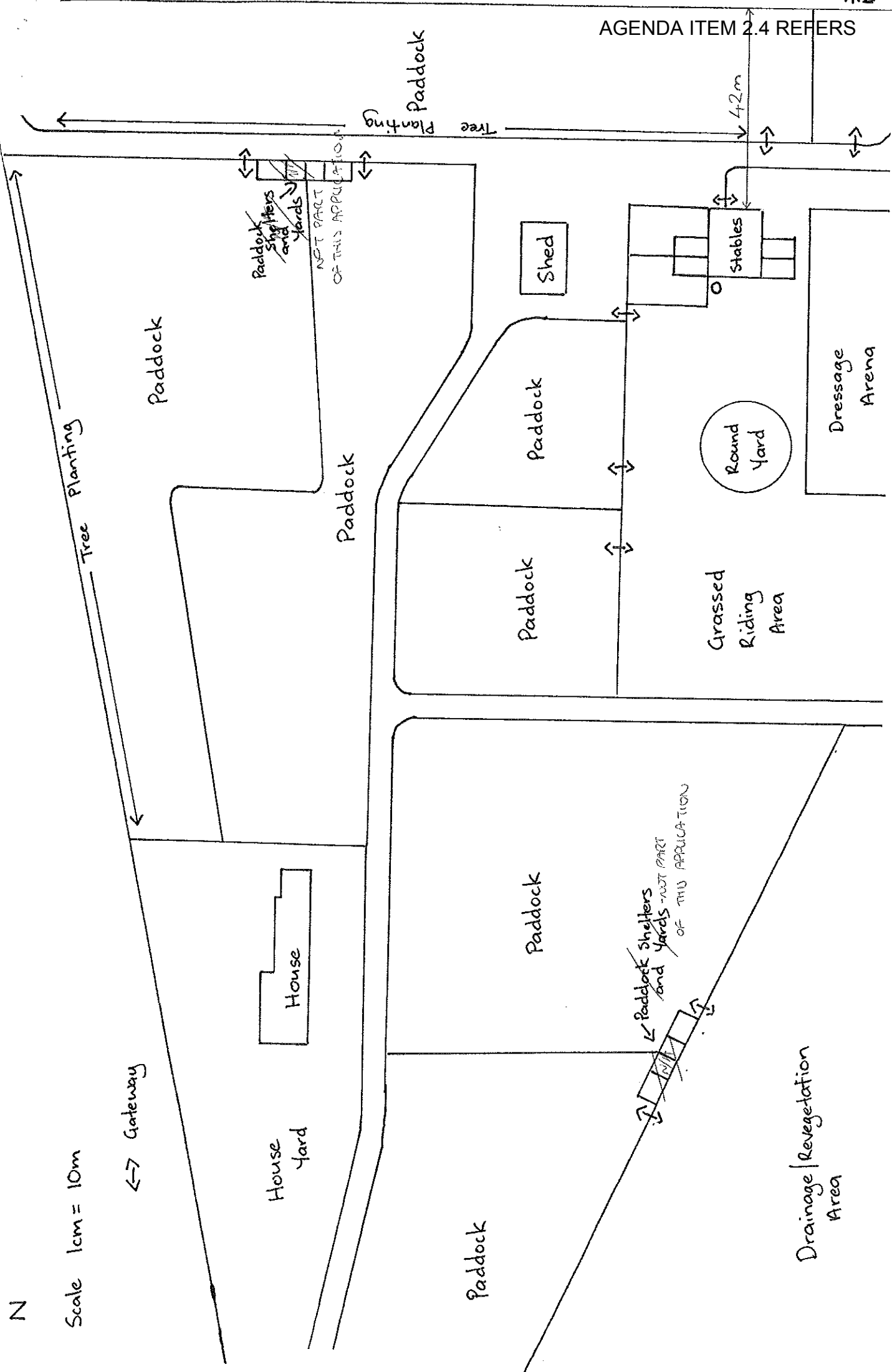


Lot 195 Lowanna Drive  
Overall Lot Plan  
See Sectional Plans for detail



\* Not to scale \*

AGENDA ITEM 2.4 REFERS



N

Scale 1cm = 10m

↔ Gateway

House Yard

House

Paddock

Paddock

← Paddock Shelters and Yards - NOT PART OF THIS APPLICATION

Grassed Riding Area

Round Yard

Drainage/Revegetation Area

Dressage Arena

Paddock

Paddock

Shed

Stables

Paddock

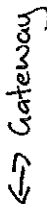
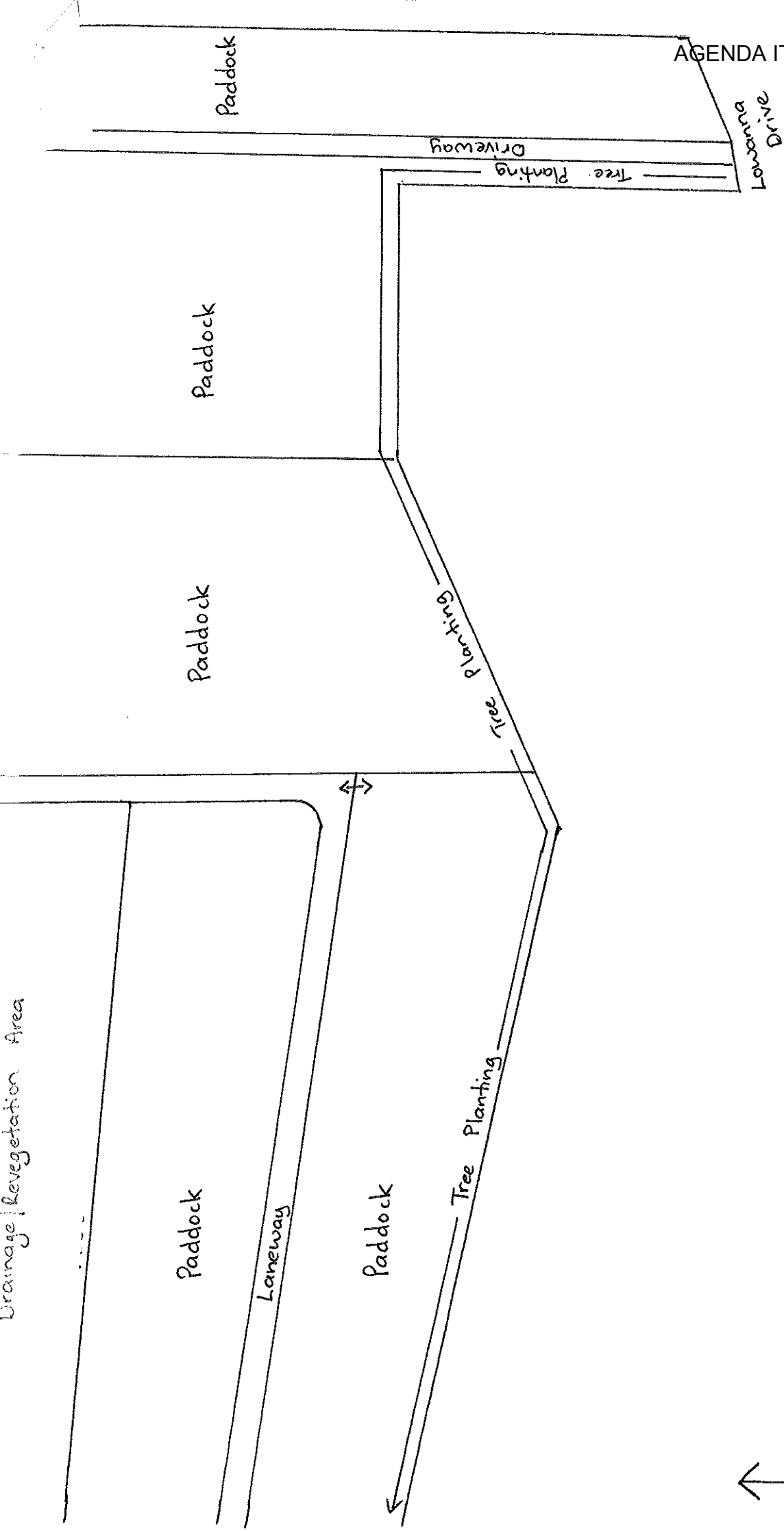
Paddock

~~Paddock Shelters and Yards~~

NOT PART OF THIS APPLICATION

Tree Planting

4.2m



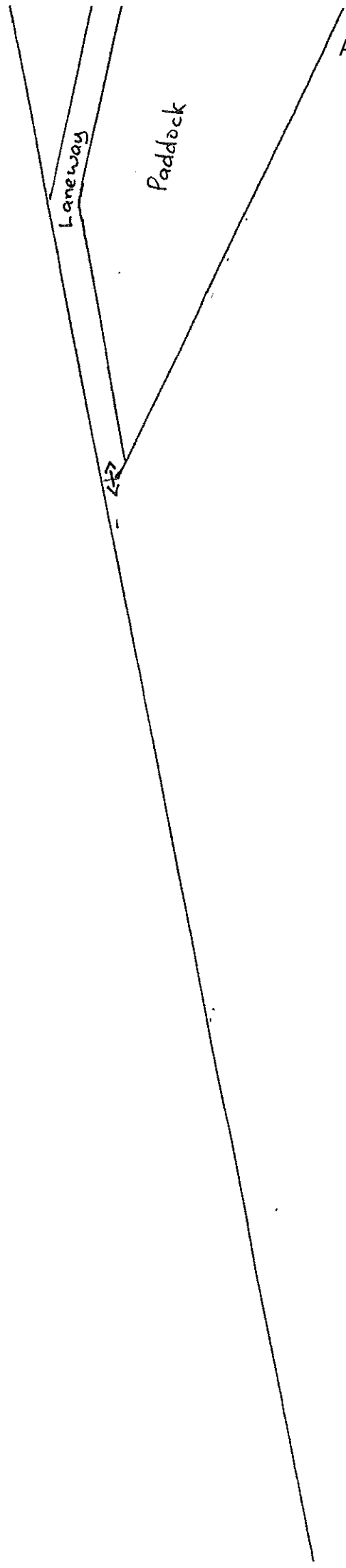
Scale 1cm = 10m

AGENDA ITEM 2.4 REFERS



Scale 1cm = 10m

↔ Gateway



Drainage / Revegetation Area

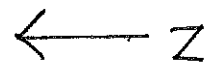
Drainage / Re-vegetation Area

Paddock

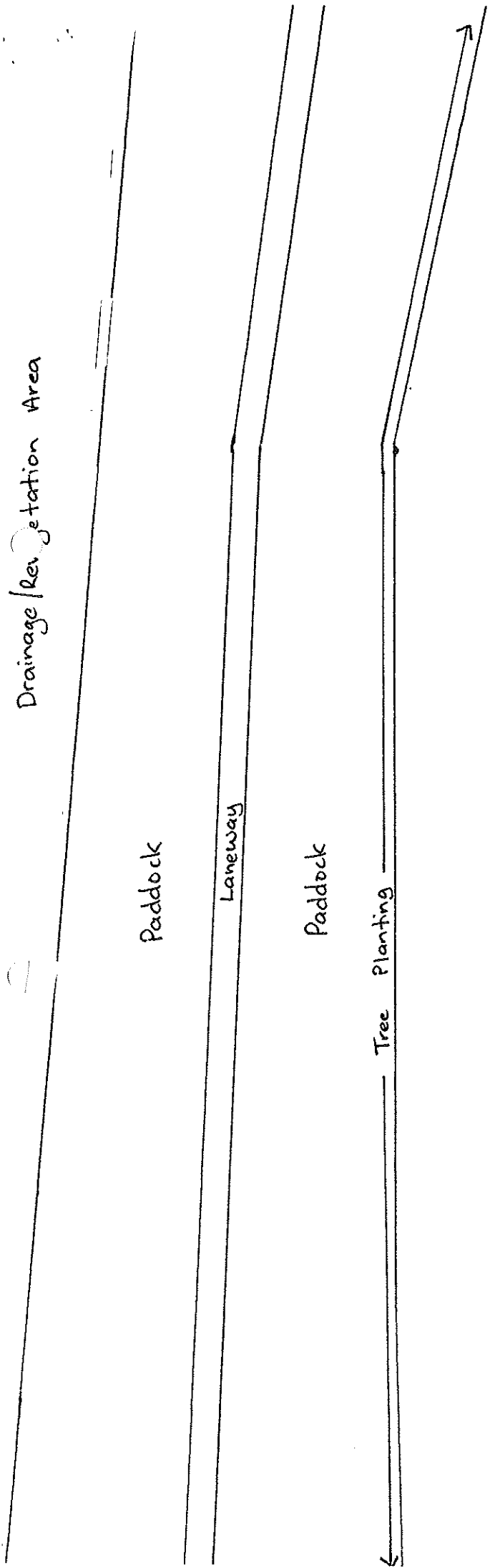
Laneway

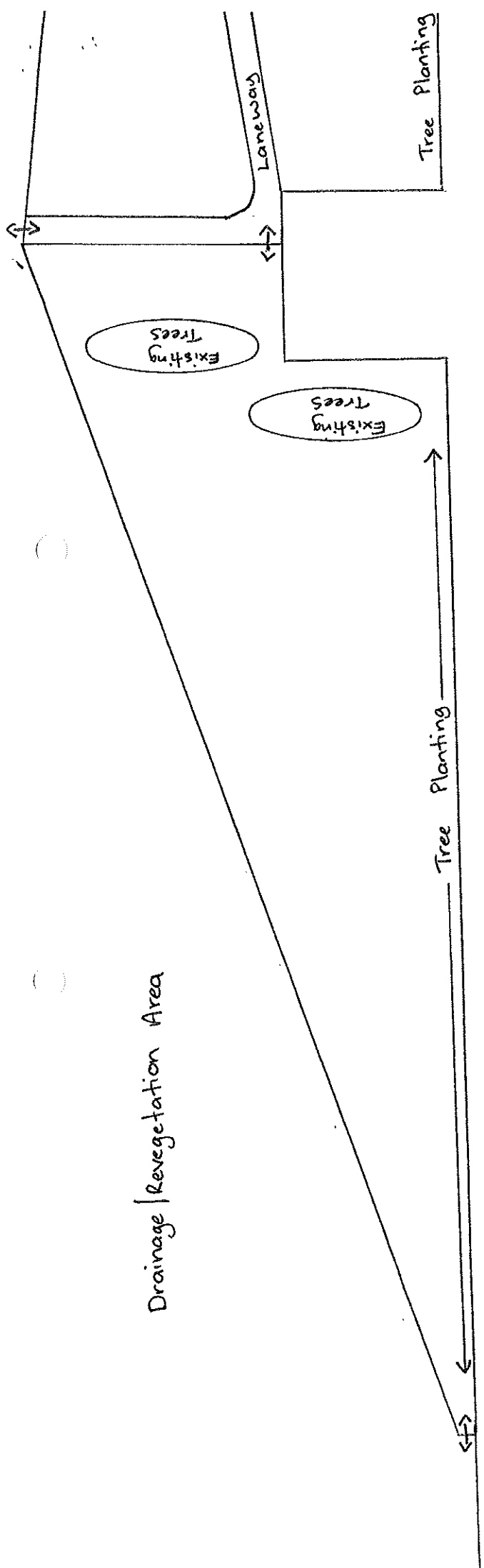
Paddock

Tree Planting



Scale 1cm = 10m





Scale 1cm = 10m

↔ Gateway



Large Scaled Plan  
of Main Facilities

AGENDA ITEM 2.4 REFERS



Scale 2cm = 10m

↔ Gateway

Paddock

Driveway

Paddock

Shed  
10m x 7m

Laneway

Tree Planting

Float Parking Area

Manure/Compost

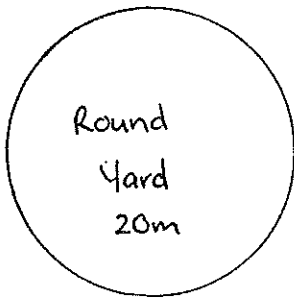
Small Paddock

Small Paddock

Yard

Yard

Car Parking Area



Round  
Yard  
20m

Water Tank

Stables  
14m x 11.6m

Yard

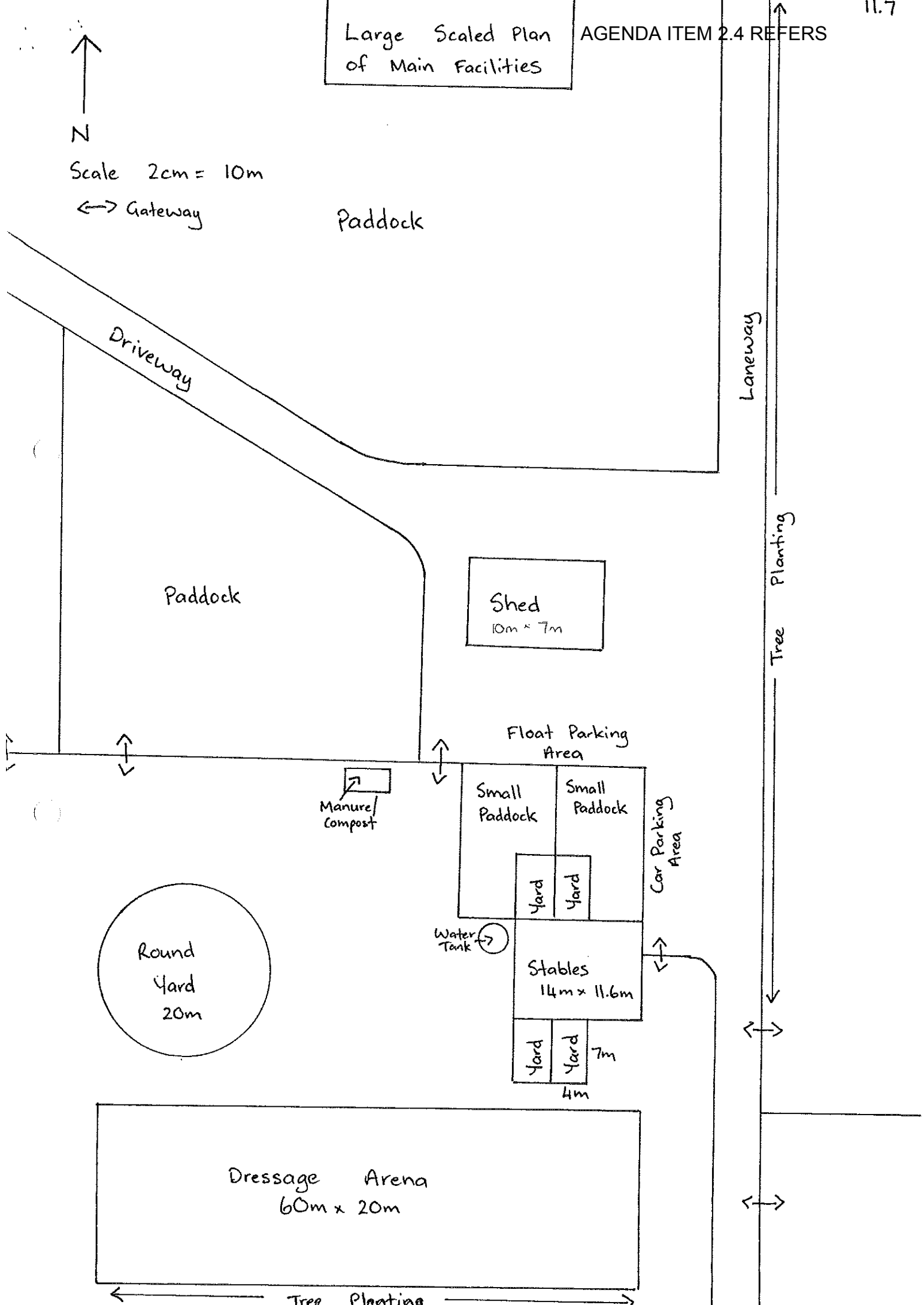
Yard

7m

4m

Dressage Arena  
60m x 20m

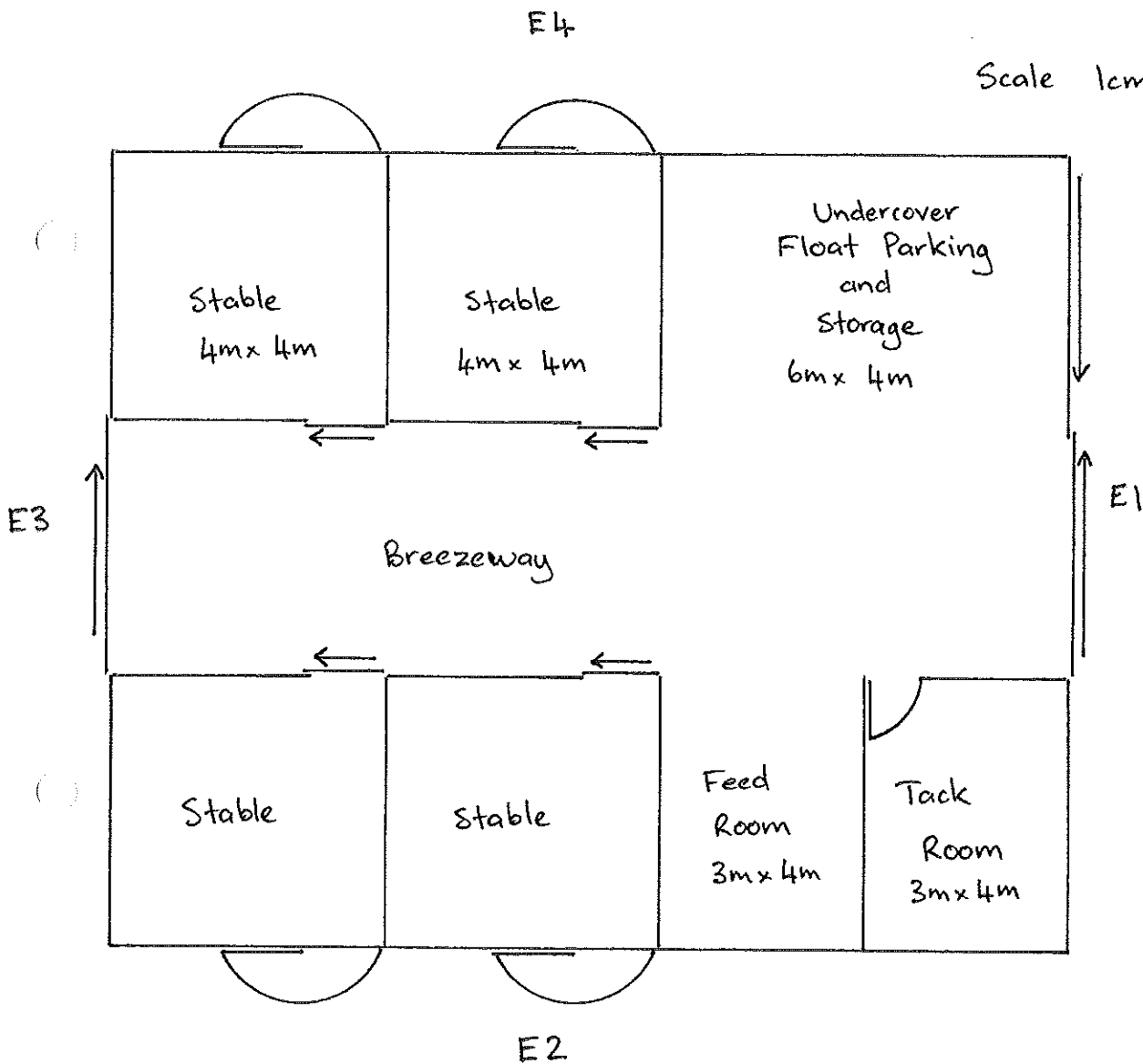
Tree Planting



### Floor Plan - Stables

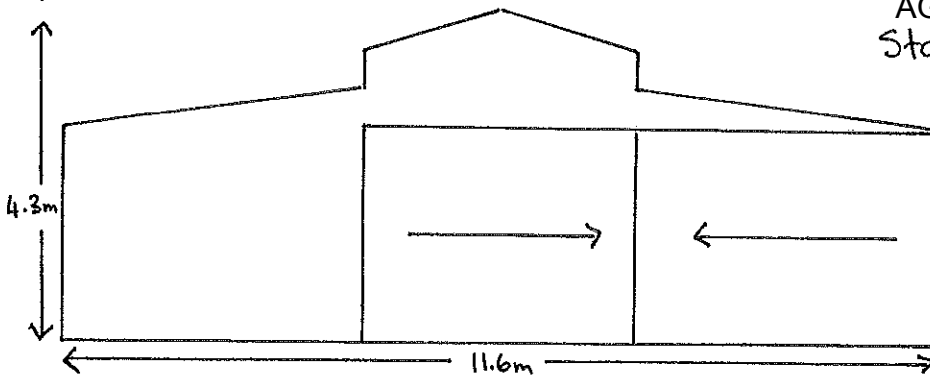
14m x 11.6m x 4.3m

Scale 1cm = 1m

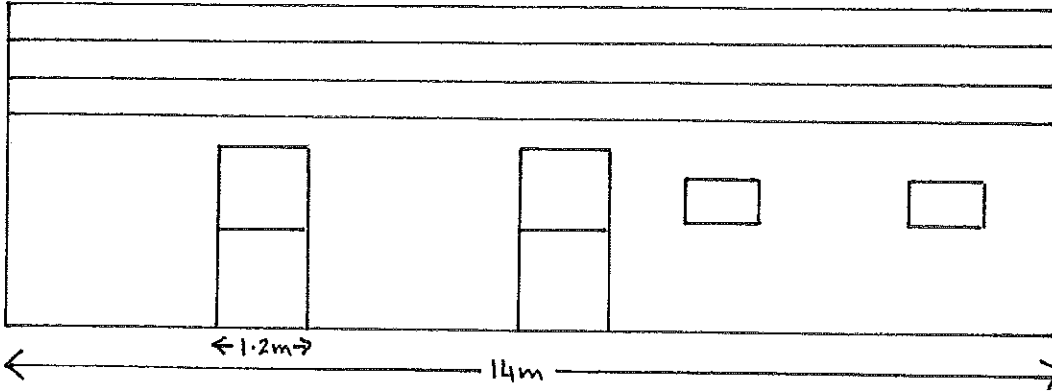


AGENDA ITEM 2.4 REFERS  
Stables - Elevations

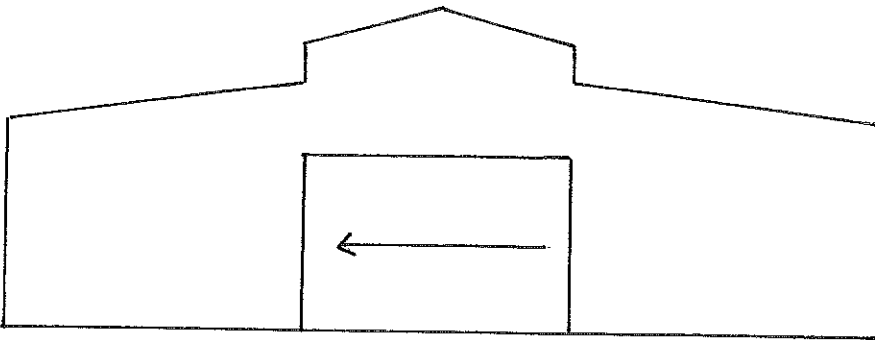
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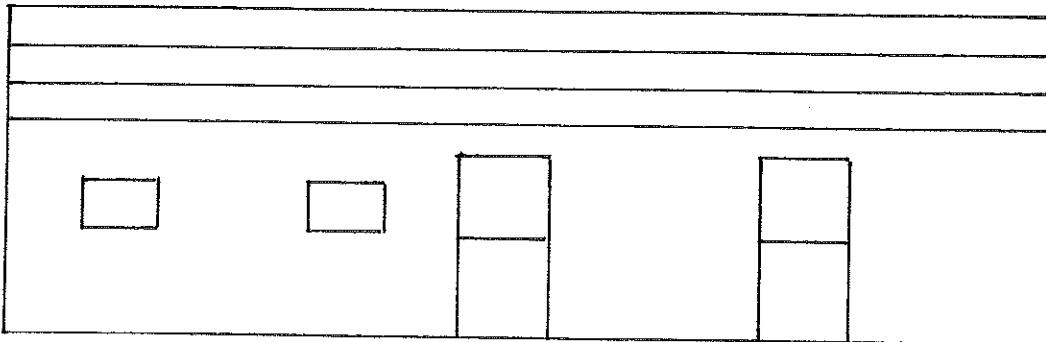
E1



E2



E3

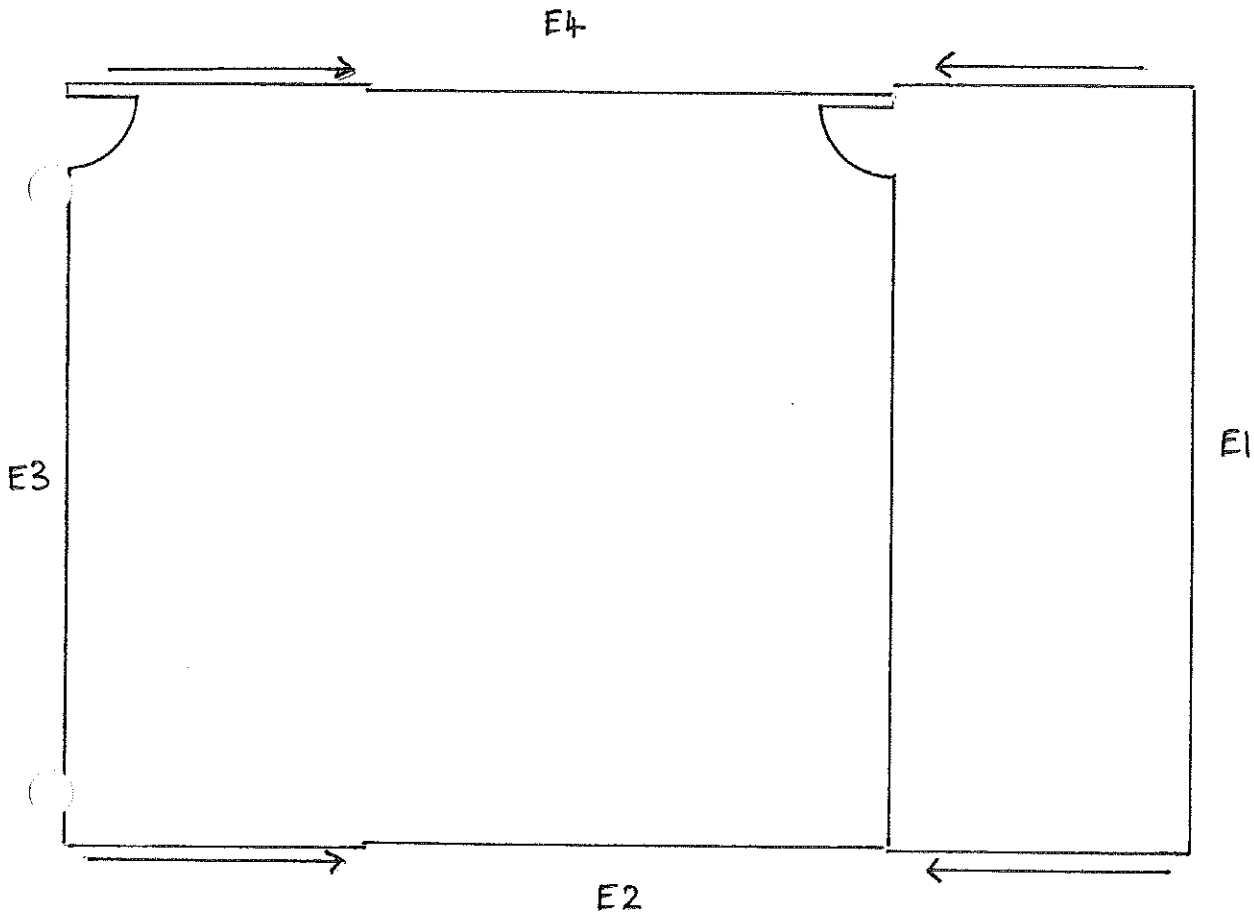


E4

### Floor Plan - Shed

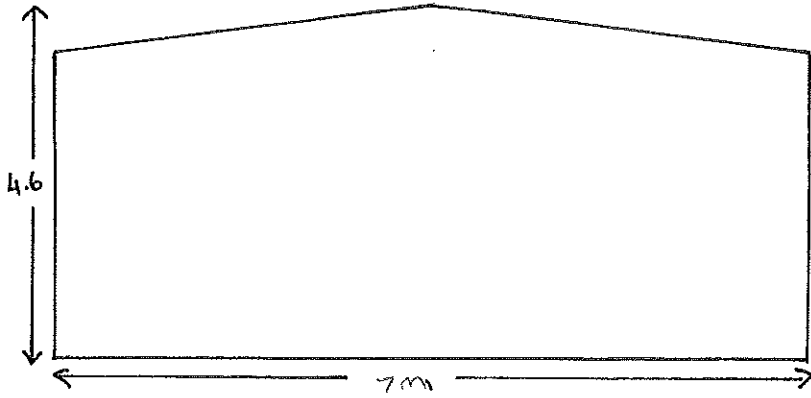
10m x 7m x 4.6m

Scale 1cm = 1m

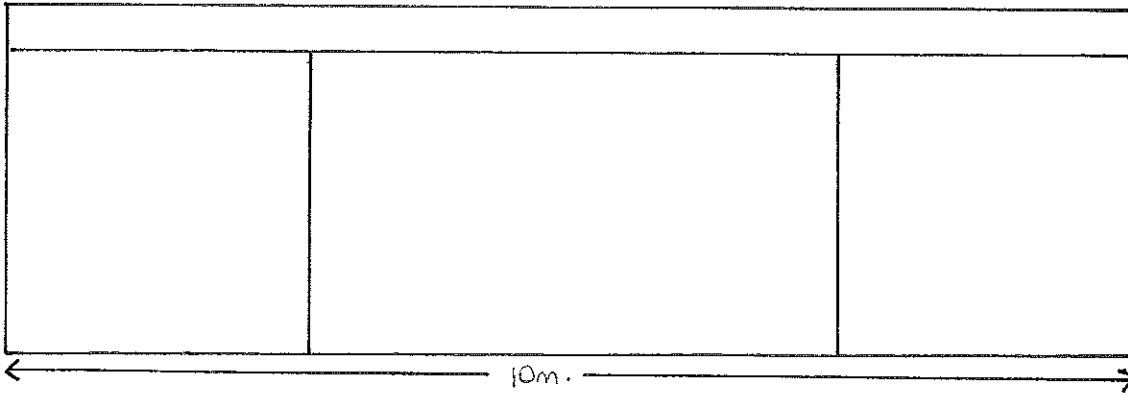


AGENDA ITEM 2.4 REFERS

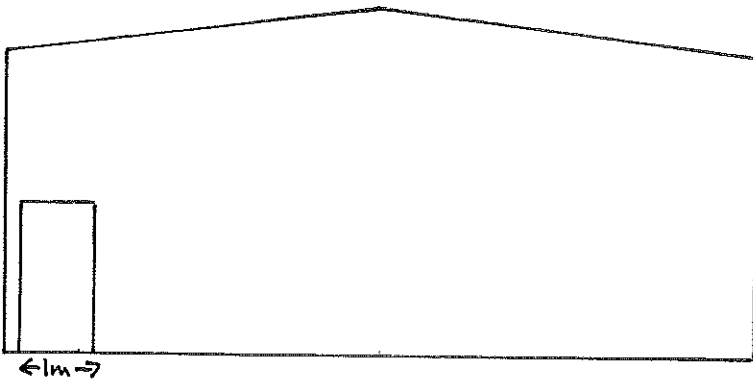
Shed - Elevations



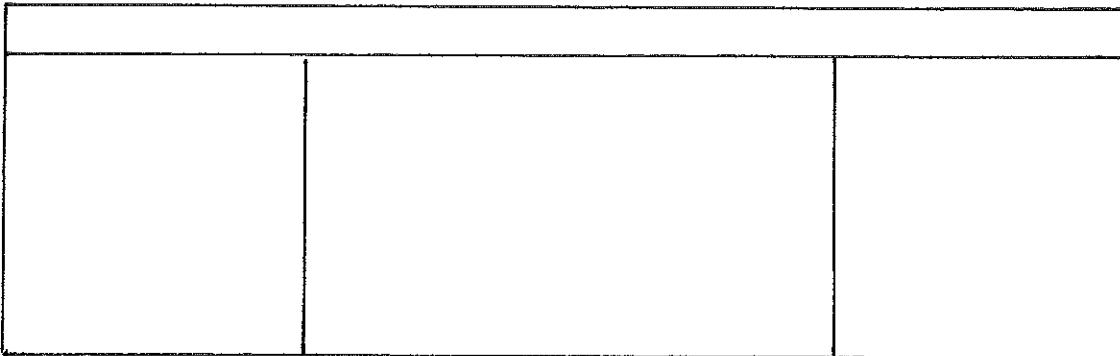
E1 Scale 1cm = 1m



E2



E3



E4

**Taylor Gunn**

---

**From:** Planning (External Use ONLY)  
**Sent:** Tuesday, 20 March 2012 12:46 PM  
**To:** Taylor Gunn  
**Subject:** FW: EF1261522 - A221715 - Fw: 140 Lowanna Drive.  
**SynergySoft:** EF1261522 - A221715

FYI

Jessica Davidson  
Administration Officer - Planning

**Tel:** (08) 9841 9383  
**Fax:** (08) 9841 4099



PO Box 484 | Albany | WA | 6331 (102 North Road Yakamia) [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

Please consider the environment before printing this email.

**From:** Katchinup [<mailto:katchinup@wn.com.au>]  
**Sent:** Tuesday, 20 March 2012 11:54 AM  
**To:** Planning (External Use ONLY)  
**Subject:** EF1261522 - A221715 - Fw: 140 Lowanna Drive.



-----Original Message-----

**From:** Katchinup  
**Date:** 20/03/2012 11:45:22 AM  
**To:** [planning@wa.gov.au](mailto:planning@wa.gov.au)  
**Subject:** 140 Lowanna Drive.



Taylor,



I have no issue with the proposal for development at 140  
Lowanna Drive Gledhow.

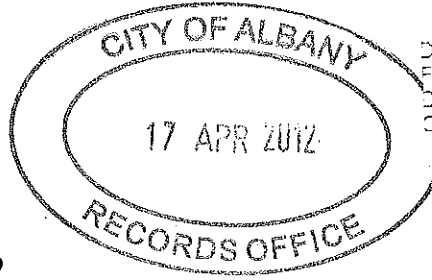
Good luck to them and welcome to the neighbourhood.

Ian D Smith  
98 Lowanna Drive.  
Lot 80

---

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Doc No: City of Albany Records  
File: ICR1263544  
Date: A221715  
17 APR 2012  
Officer: PLAN20

Ref: A221715/PA37390/P2120039

ES & GA Bail  
Derna Estate  
P O Box 1467  
Albany W.A. 6331

April 13, 2012

City Of Albany

**Re: NOTICE OF APPLICATION FOR PLANNING CONSENT**

Dear Taylor Gunn, In reply to your letter dated 14 March 2012. We would like to express our agreement Of the proposal you have sent us. Re: Ref A221715/PA37390/P2120039 we feel that what has been outlined is an excellent idea and good use of the property in question. As we join the property we would like to state our approval.

Yours faithfully

G A Bail



Suzanne Plant  
38 Honeydew Bend  
BYFORD WA 6122

Council Ref: P2120039

To the City of Albany

Re: Application for Livestock Grazing & Stables – 140 Lowanna Drive, Marbellup

Please find below my response to objections & comments raised by:

- Local residents “Summary of Submissions Opposing”
- Department of Agriculture & Food
- Department of Environment & Conservation

## **1. General Comments in Response to Objections**

I would like to reiterate my comments in the original application that this is intended to a small “boutique” establish with emphasis on quality over quantity. By offering quality facilities and a high level of service to agistees, higher income may be gained from a smaller number of horses.

The majority of agistment currently offered in Albany is for “DIY” – that is owners need to attend their horses daily (sometimes twice daily) in order to look after them. I intend to offer “full board” facilities – that is all care for the horses provided daily by me, with owners only attending a few times per week to ride their horses. This minimises the amount of traffic to the area and the property – one of the areas of concern raised in the objections.

I will also have a few numbers of my own horses on the property as well as personally residing on the property. It is therefore in both my business and personal interests to maintain a property that ticks all the boxes in relation to:

- good pasture management, stocking rates etc
- no degradation to the land, e.g. no dust from bare soil, no erosion from water run-off or water logging from poorly managed paddocks
- visually pleasing to the eye i.e. neat and tidy lay out, tree planting, landscaping etc
- supportive of local flora and fauna through planting of local natives, creating shelterbelts and supporting existing ecosystems

## **2. Response to Summary of Submissions Opposing**

*2.1 Objection: The application does not suit the peaceful special rural lifestyle that has been advertised with the Lowanna Estate Subdivision. We have bought and built at this location because we wanted a relaxing, quiet rural aspect, with the benefits of being close to the city centre. We do not wish to have someone running their business in almost our backyard;*

Response: As noted in Section 1, the business side of things is intended to be small. Outwardly it should appear much the same as a resident family riding their own horses i.e. only a couple of horses being ridden at a time – NOT a large number of horses at one as can be witnessed at riding schools.

*2.2 Objection: Although the plan outlines the number of agistees, it does not detail the number of horses the applicant is personally allowed to keep;*

Response: I hope to have 2-4 horses of my own – likely two of these will be a mare and foal. Total stock numbers will comply with DAFWA stocking rates, and the mix of business vs. personal horses will be adjusted as necessary, e.g. less personal use if I want to have more paying customers.

*2.3 Objection: Due to the nature of this being a leisure industry, much of it would take place after school and on the weekends, time when we would like to enjoy the relaxing, quiet rural atmosphere we have built in.*

Response: As noted in Sections 1 and 2.1 above, this is not intended to be run on a scale that may be a disruption to neighbours. One or two horses being ridden on a neighbouring property should not be an impact. There will be almost no obvious distinction between the business use and personal use of the property. As the (potential) resident of the property I would also have a right to enjoy the rural environment – horse riding is a very common rural leisure activity and the area already consists of a number of properties with horses (or the unrestricted right to have horses).

*2.4 Objection: The area proposed for the dressage arena and other main buildings is subject to flooding, therefore there would need to be a significant amount of siteworks required to enable this area to be used appropriately.*

Response: My initial application (covering letter) stated that location of facilities was approximate and adjustment may be needed. In particular the final placement of the dressage arena & stables will be subject to assessment of wet areas. There is potential to locate them in other areas.

The initial application was to obtain an “in principle” agreement for the use of the property – exact placement of buildings and facilities is naturally subject to further review and planning.

*2.5 Objection: Conversely, during the summer months, parts of the grazing area will be very dry; meaning large amounts of dust will be spread throughout the property where horses are grazing.*

Response: Dust is a side effect of poorly managed and degrading paddocks. I intend to practise good property management by maintaining maximum grass coverage, preventing overgrazing, rotating paddocks, stabling horses to minimise grazing time. It is in my own best interests as the property owner to do this. Good pasture minimises the cost of supplemental feeding, benefits the land itself and is ascetically pleasing.

In addition, the planting of trees and shelterbelts will reduce much of the drying out caused by wind.

*2.6 Objection: Large numbers of horses promote flies, regardless of whether manure is collected and composted or not.*

Response: It is manure, whether from horses or other livestock, that can increase fly populations, not horses themselves. It is in the best interests of horse owners to implement fly management best practice as flies can very detrimental to horses. Flies breed in moist manure. Collecting manure and keeping it in covered compost piles to prevent fly access can assist in minimise breeding. As can spreading manure in dry

weather to ensure it dries out faster. Horse owners can assist by encouraging dung beetle behaviour, such as minimising use of worming drenches that may also be harmful to dung beetles, during Nov to February when beetles are active. Dung beetle eggs can also be purchased to increase numbers on the property and assist with fly control.

I would reiterate that I do not intend to keep “large numbers” of horses.

*2.7 Objection: Horses can damage fences by leaning over to get the grass on the other side.*

Response: It should be noted that existing boundary fences are ringlock topped with barbed wire – both dangerous to horses. Horses will not have direct access to these fences. As part of the tree planting along dividing fences, it is planned to install an internal fence – approx 2-3 metres from the boundary fence. This will both keep horses away from the dividing fence, and also protect the trees from damage.

*2.8 Objection: There is no time frame in the application for the planting of trees to screen buildings from view, nor is there any stipulation on what type of trees will be planted. Point 7.2 in the application - Trees to be planted along the southern fence line to provide shade and also a windbreak, screening buildings from view - Screening the buildings from view would be unlikely given the elevation of our house and the elevation of the stables compared to the low lying area of the boundary fence.*

Response: Tree planting along boundary fences will be done progressively over the first two years. Trees will be native, preferably local natives and suitable to the location e.g. trees on the southern fenceline subject to water logging need to be suitable for wet areas. I am happy to discuss with neighbours mutually acceptable varieties of trees.

Comments regarding elevation are noted, however as per original application, trees will also be planted along the arena (Section 8.1) which should also screen part of the stables. As also noted in Section 6.2 of the original application, trees will also be planted along internal fencelines, which will also gradually screen buildings as well as riding areas. The longer term goal is approx 15% coverage as recommended for agricultural land (Howling, G. 1997 - *Remnant Vegetation Strategy for the Central West Catchment*.)

*2.9 Objection: Given that this particular block is largely sloping, it will require substantial siteworks to construct a level base for buildings to be erected. This also means that the proposed height of the buildings will be somewhat higher on the southern side, impacting on our line of sight.*

Response: Buildings will be constructed in accordance with Council guidelines, that is height measured from natural ground level.

*2.10 Objection: Livestock maintained in the proposed segment of land would result in an accumulation of ammonia and waste in the catchment area below, due to the incline of the land and subsequent run off. This would adversely affect the existing environment as we have noted frogs, kangaroos, etc in this area and would not like to see the natural balance significantly altered.*

*2.11 Objection: We have chosen this site as a clean area with little or no health concerns. With the increase of mosquito-borne viruses, we are worried that as effluent is added to the water catchment area it could potentially become a breeding ground for known or even new viruses which may affect our family.*

Response: (To points 2.10 & 2.11). It is my belief that any scientific objections regarding nutrients or health concerns related to the keeping of horses on the property should be a matter for the appropriate Govt department to decide on.

In my own research however, I have come to understand that:

- Ammonia is not a risk – it is mentioned usually in relation to potential odour rather than nutrient run off.
- Nitrogen & phosphorus are the main nutrient risks associated with horses. Nitrogen in particular can be managed by composting of manure – while 50% of nitrogen in uncomposted manure is soluble and prone to run off, where as approx 95% of nitrogen in composted manure more stable and is able to be release slowly (Myers, J. 2011. *Manure, water and vegetation on a horse property.*)
- Following best practices can also minimise run off, such as slowing water runoff – see section 2.7 above and placement of fences.

Considerations of excessive nutrients should have been part of planning for the whole development, as all uses of surrounding properties (both in the Estate and existing) will contribute to any potential risk in the area and are not isolated to Lot 195. Local Planning Scheme No. 1A, Amendment No. 255 states that the “soils on this site and the depth to groundwater are well suited to the keeping of horses...” (page 15). If this decision has been varied, I would request notification of such a decision.

*2.12 Objection: We fully expected our outlook to be of a rural aspect, however the erection of several buildings (in excess of the maximum allowed) would destroy our tranquil vista. We are quite sure that if we exceeded the building limits placed on these blocks, similar objections would be made with subsequent rectification made, so we expect that others would adhere to the same guidelines.*

Response: It is unreasonable to expect that as the area is developed (there are 40 plus blocks still to be sold/developed), there will be no impact on views. If each of the 2.5 acres blocks in the Estate are to have a house and shed, then the combined visual impact will be far greater than the proposed buildings on Lot 195.

There is potential to adjust placement of buildings to limit impact on neighbours, for example placing the shed up behind the house – reducing some of the visual impact to the southern neighbours.

Additionally, Lot 195 is of a completely different nature to the rest of the estate – at 50 acres it is more like a Rural (than a Special Rural) block. It is unreasonable to expect that a block of this size – suitable to running of livestock, should not have a suitable number of outbuildings. The City of Albany’s Outbuildings policy acknowledges that as “a general rule people expect to be able to have larger outbuildings on larger lots”. Enforcing the same outbuilding rules on a 50 acre block as those of a 2.5 acre block is unfair in itself.

In light of the objections raised, I am willing to reduce the number of outbuildings to comply with the limit of 240sqm for the initial approval on the understanding that separate application is likely to be made for an exemption from the size restriction. There are possibly alternative stable layouts that may be utilise less space and I will investigate alternatives.

*2.13 Objection: Anticipated traffic for this estate is considered to be mostly residential, however with animals being agisted and lessons provided there will be an increase in vehicles. Our main concern is that these animals may be ridden off the property (as*

*there is nothing to say they can't), posing a hazard to our children whom are about to acquire a new driver's licence.*

Response: Any increase in vehicles will be minimal – as noted in Section 1, the intention is for full board facilities where owners are only coming to the property a few times per week.

The area already contains many properties with horses, and there already riders on the roads in that area. Riders from Lot 195 should not be treated any differently than riders from surrounding properties.

### **3 Response to Dept of Agriculture & Food (DAFWA) Objections/Comments**

*1. Access of livestock to wetlands and waterways is not recommended (DoW) guidelines - is this a designated wetland? (note point 5.0) No water budget / estimate - of requirements. Should be conditional on getting approval for bore.*

It is my understanding that these matters fall under DoW jurisdiction, not DAFWA and therefore it is for DoW to object if they have concerns – which I believe they do not.

*2. No indication in infrastructure design for managing land degradation - e.g. Run off rain - dust from livestock movement - (3.0)*

It was noted in my application (Section 3.1) that paddocks will be designed taking into account contours of the slope to slow water runoff and reduce risk of erosion. Placement of fences along contour lines on a slope – rather than vertically up a slope – assists with reducing water runoff. If horses pace the fenceline along a contour, water is more likely to pool and drain slowly. In contrast, horses pacing along a fenceline directly up a hill can create small “trenches” which actually speed run off down the hill.

*2.a No reference to industry guides for stable and arena design..... No reference to design of sheds for safe handling /storage chemical .... No reference to traffic management. Vehicles in and out.*

Stables and arena will be designed in accordance with industry standards, best practice, safety and welfare requirements. Industry standards for stables include size of stables, ventilation, light, roof height, door width & height, etc. Industry standards in relation to arenas are generally in relation to a suitable surface for the type of riding e.g. not too hard, not too soft, and appropriate drainage i.e. 1% gradient. Safety matters include fencing of the arena.

There is no plan to keep large quantities of chemicals on the property – intention is to maintain the property along organic principles e.g. use of compost as fertiliser, rather than chemical fertilisers.

In relation to traffic, parking areas have been designated and the property already has a bitumen driveway capable of sustaining any expected traffic. This can be extended further in to the property and/or suitably equivalent driving surface installed.

*3. Does not detail nutrient management plan - We've got some great text on file around NMP's soil testing and ...*

In relation to nutrient management, the existing pasture species were mentioned in the original application (Section 4.1) with an intention to establish perennial pastures. Any additional pasture species would be chosen after following the appropriate steps i.e. soil identification, testing etc.

Also included in the original application was a plan of the proposed stable construction and plans for composting manure and harrowing of paddocks.

Fertiliser is intended to be organic (soil testing to be done to confirm nutrients needed). This will either be by the spreading of composted manure, or possibly of compost teas (I am still in the process of researching compost teas).

More detail regarding NMP can be provided if necessary.

*4. No commitment to maintaining pasture cover at between 50-70% at all times. Industry standard.*

Pasture will be maintained at minimum 70% coverage. Paddocks are to be grazed rotationally, rested when pasture is at 5cm height.

*5. Vegetation - no assurance that they will protect vegetation either.*

As noted in the original application:

- Livestock will be kept from damaging the Revegetation Area (section 2.5), and that
- No clearing of existing vegetation will be required (section 6.1)

*6. Good indication of consideration for neighbours.*

*7. Dust management - this is good but perhaps not considered all sources of dust.*

Potential sources of dust from the arena and from the paddocks were covered in the original application – I am not sure what DAFWA think may be other sources of dust.

#### **4. Response to Department of Environment & Conservation (DEC)**

Responses below are in order of the paragraphs of DEC's letter (dated 27 April 2012) to the City of Albany.

- The intention is to plant local native species suitable to the specific areas on the property, i.e. some areas are very wet, some areas high and exposed.
- I have reviewed the recommended publication – Environmental Guidelines for Horse Facilities and Activities – and it is my intention to adhere to these guidelines.
- DEC's response makes reference to public drinking water source, waterways and drainage line – it was my understanding that these are the Dept of Water's area of concern – who have not raised objections in relation to these points.
- In relation to the proximity of the stables to the eastern neighbour – their residence is located to the far north eastern corner of their block – approx 250 metres away from the proposed stable location. It should be noted that this property has their own

stables – constructed approx 50 metres away from their house and between their house and Lot 195.

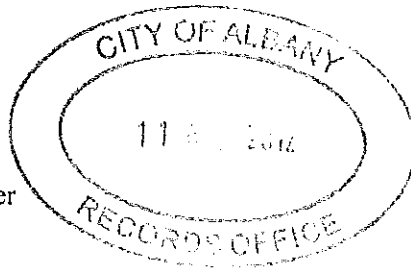
- Manure is to be composted as per “best practice” composting guidelines e.g. turning the pile frequently, preventing it from being too wet or too dry, having the right mix of raw materials etc
- The proposed initial stocking rate is 8 horses (or 80 DSE). Obviously this requires DAFWA approval, but with appropriate pasture management, paddock size, rotational grazing, potential for irrigation if necessary, access to summer pasture, supplemental feeding and facilities for stabling I believe this is achievable and sustainable. For example, my own horse is currently agisted in Perth and is successfully maintained in 0.25 acre paddock, stabled at night and with supplemental feed. (NB. It is not my intention to keep horses on Lot 195 in such small paddocks – this is provided as an example of how horses can be maintained on less than the 1 hectare per horse recommended DAFWA stocking rate).
- Further checking would need to be done to ascertain if the current proposed location of the stables is not 1.2m from groundwater. As noted previously, location of stables is approximate and can be located elsewhere on the block if there is risk to groundwater. There is no intention to clean stables with water – this is unnecessary and wasteful. Stables are most likely to have compacted limestone base covered with a suitable bedding. This is most likely to be sand, but may be rubber matting - it will definitely not be wood waste of any kind.
- Manure will be composted in a dedicated area on a low permeability surface. It will be covered to prevent fly breeding, run off from rain, and to maintain appropriate moisture levels i.e. not too wet, not allowed to dry out too much.
- Spreading of manure on the paddocks will be conducted in accordance with environmental and best practice guidelines. Soil testing will be done to ensure appropriate nutrient levels.

In closing, I submit that my intended use of the land is suitable for the area and does not unreasonably impact on neighbours. I am aware that there are many examples of horse properties that have been badly managed and are both damaging to the land and visually unpleasing – these are a disgrace to the industry. It is my intention to establish a property that sets a good example for the horse community. I have already undertaken a lot of research and firmly believe that horse properties can be managed in a way to work in harmony with the land. A well managed property is pleasing to the eye and an asset to a community.

I appreciate that there are some sensitivities regarding the revegetation area and the water catchment. I am more than willing to work with the relevant Govt departments to manage these appropriately. However, if these departments believe that stock cannot be maintained on the property without risk to these areas, then I accept that my application should not be approved.

Regards,

Suzanne Plant  
10 May 2012



Doc No  
File  
Date  
Officer

City of Albany Records  
ICR1263117  
DB.PSC 1  
11 APR 2012  
PLAN20

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To : Chief Executive Officer  
City of Albany

We are writing to you to voice our objections to an application for Livestock Grazing and Stables at 140 Lowanna Drive, Marbellup.

Currently we are in the process of designing a house to build on our land at Lot 177 Lowanna Drive Marbellup, having already erected a shed.

The issues that we object on or believe require further clarification are as follows:

- A major concern for us is the affect this application will have on our health. We are allergy sufferers, and our son is particularly allergic to horses. He suffers sneezing and swollen eyes if in contact with horses and we take every measure to avoid interaction with them. Along with this we believe there would be an increase in flies and rodents etc, that horses attract which may create other health problems. We purchased our land for the fresh, clean country air.
- The application indicates that their final goal is a small specialised enterprise of APPROXIMATELY 10 agistees. This indicates that they are not sure as to how many horses they will end up with and or how many of their own horses they will have at the property. I believe if granted, a limit should be put on the number of horses allowed on the property.
- Not being privy to the applicant's financial situation, in our opinion, there appears to be a large amount of structures being built and or trees being indicated to be planted. Having noted nearby stables and yards we are concerned that they may be made of second hand material and be a real eye sore. Having already built a shed and planning for a house building in Albany appears expensive and would be devastated if these structures are made on the cheap.
- The bottom paddocks adjoining our block in winter time will be heavily soaked in water. Last winter the road into the property was continually under water and the land behind our property would be what we consider inaccessible due to the amount of water that it holds. Horses will only chop up the water logged ground turning it into a complete mud pile. I am unsure if the applicants are aware as to how wet the bottom area of their block becomes which we believe will limit the area they can run horses on.
- This said, in summer time if the above paddocks become mud heaps during winter, summer time they will become dust bowls with the potential to blow dust/sand straight into our residence. Increased dust will further affect our allergies.
- The structures being the shed, stables, dressage area appear to be on sloping ground or near the extremely wet area, by our indications, which would indicate that fairly substantial retaining will be required to build these structures. There is no indication in the application as to what they intend using to retain these structures? These retaining will lift the height of the structures on the southern side, which is what we will be looking straight into from our block.
- The applicants indicate that they intend on planting trees to screen buildings etc. In our opinion it will take a lot of trees and a long period before they will be big enough to screen anything. We are aware that established trees are expensive and no doubt a cheaper option will be used, hence years before these trees will be big enough to



screen the applicant from us. There is also no indication as to what trees will be planted.

- The application indicates a provision for one on one horse lessons. I believe that these would be undertaken during weekends or after school time. This will increase the amount of activity and traffic flow directly next to our block during times that would be described as quite family time for us. This being one of the major reasons we purchased acreage for the quieter lifestyle. The subdivision was marketed at young families breathing in fresh air and enjoying a quiet, semi-rural lifestyle only 10mins from town. We believe that as the applicant's are intending to run a business, naturally they will want it to develop and expand in size, also possibly increasing the number of horse riding lessons. This will lend to further traffic and number of horses which will have a bigger impact on our lifestyle.
- It appears that the applicants are aware of the odour associated with horses and have addressed it under section 8. We believe that no matter what management is in place to minimise the odour, this is unacceptable. Being the closest land owners to the stables we will be the most affected by odour and flies.
- If we had been aware that a horse agistment area was going to be built directly adjacent to our block we would not have purchased in this area. We bought on the understanding that this land, subject to this application, would be kept as pastures retaining our rural outlook, and not being developed for business purposes. We believe that if granted the value of our block will be compromised. Even to the point of us reconsidering building on our block and selling, which will cause us financial pain.

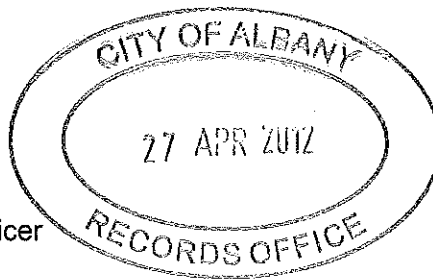
In essence the most disappointing aspect is that we purchased our land with what we considered to be a lovely rural peaceful outlook of sloping pastures. So much so the house we are designing is designed around the views obtained to our North. Being the closest block to the proposed structures, stables etc we are disappointed that we will lose our views and look directly into these proposed structures.

Section 7.0 points out that we will be affected by this application and we believe the measures to be undertaken to limit the impact are not adequate. In saying this, no measures to minimise impact by the applicant will compensate for the impact this proposal will have on our family both health wise and the fact that we will look directly at a business. Lowanna Estate is marketed at young families living in a semi rural environment away from the busyness of Albany.

We empower the council to make the correct decision based on our objections to this application. Further, we would like to be notified when this application will be discussed by council. We strongly oppose this application and would like to be present to voice our concerns during these discussions.



Government of **Western Australia**  
 Department of **Environment and Conservation**



Chief Executive Officer  
 City of Albany  
 PO Box 484  
 ALBANY WA 6331

**AGENDA ITEM 2.4 REFERS** *taylor*

Your ref: A221715/PA37390/P2120039  
 Our ref: 27.3.1A (11/002193)  
 Enquiries: Cassie Bell/ John Watson  
 Phone: (08) 9842 4500  
 Fax: (08) 9841 7105  
 Email: [John.Watson@dec.wa.gov.au](mailto:John.Watson@dec.wa.gov.au)



Doc No: City of Albany Records  
 ICR1264061  
 File: A221715  
 Date: 27 APR 2012  
 Officer: PLAN20

Attach:  
 Box:  
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Attention: Taylor Gunn

Dear Sir

**NOTICE OF APPLICATION FOR PLANNING CONSENT – LIVESTOCK GRAZING AND STABLES – LOWANNA DRIVE, MARBELLUP**

Thank you for the opportunity for the Department of Environment and Conservation (DEC) to provide comment on an application for planning consent to establish a boutique agistment and training facility on Lot 195 Lowanna Drive, Marbellup.

The application is generally very well prepared and presented. It is pleasing to note the on-going commitment to maintaining the re-vegetation area and to establish additional vegetation screening in some other areas in consideration of the views from nearby properties. However, the City should consider a requirement that locally occurring native species be used rather than introduced or non-endemic native species.

It is also noted that the shallow valley which runs East to West across the property is classified as an area of *Moderate to Low* risk of Acid Sulphate Soil (ASS) occurrence.

Horse grazing and stables do not generally trigger the need for approvals under the *Environmental Protection Act 1986*; however DEC recommends that the applicants should meet the *Environmental Guidelines for Horse Facilities and Activities* (Waters and Rivers Commission, Department of Health and others, 2002). The cover pages of this document are attached and the whole 48 page text may be downloaded at:

[http://www.dec.wa.gov.au/index2.php?option=com\\_docman&task=doc\\_view&gid=6166&Itemid=99999999](http://www.dec.wa.gov.au/index2.php?option=com_docman&task=doc_view&gid=6166&Itemid=99999999)

In its present form, the information provided in the application for Lowanna Drive appears to have several inadequacies with regard to the guidelines. In particular:

**Site design and buffers**

The proposal is located less than 1km north of a public drinking water source area ("South Coast Water Reserve") and less than 500m from a Waterways Conservation Act gazetted area ("Albany Management Area"), hence the management of any wetlands or soaks is a relevant issue for this site.

The proposal area contains a non-perennial drainage line, which appears to be located within the "revegetation area"; however, this is difficult to judge as the diagrams provided are not to scale and are not superimposed over aerial imagery.

It is also unclear from the plans whether horses are to be excluded from waterways and seasonally boggy areas for which a 30 metre buffer is required in accordance with the guidelines. However, the application suggests that seasonally boggy areas will be restricted for grazing for 5 months of the year and the City would have to consider whether this sufficiently meets the intent of the guidelines. In such consideration and several other issues discussed below it is recommended that the City seek advice from the Department of Water.

It is also noted that the proposed stables appear to be located close to neighbours on the eastern side of Lot 195; however the actual distances to neighbours are not stated within the application. The *EPA Guidance Statement No. 3: Separation Distances Between Industrial and Sensitive Landuses* (WA EPA 2005) recommends a buffer of 100 – 500m for horse stables depending on size of operation. It is also noted that the composting of manure will occur relatively close to the stables and therefore close to the eastern neighbour. This could cause nuisance odour for the resident. Several nearby properties around the subject land are also used for equestrian activities and many small lots are currently being sold and developed in the subdivision to the south. It is not known whether the titles to any of these lots are subject to Section 70A notices advising of possible odour and other impacts potentially arising from equestrian activities and stables.

Details on the method of composting are omitted from the application, and so it is uncertain whether the applicant plans to regularly turn the manure and manage the compost appropriately for odour.

#### **Stocking rates and soil protection**

It cannot be determined from the application what the stocking rates will be and whether these meet the guideline for soil protection (Table 4), due to a lack of information on soil type and exact area of grazing. There is also indication of potential future expansions to the site; however it is unknown whether these will occur with consideration of recommended stocking densities.

#### **Groundwater and surface water protection**

It is not clear from the application whether the proposal site has an adequate distance to groundwater, as the maximum groundwater levels are not given. A minimum separation distance of 1.2m is recommended in the guidelines to protect groundwater from nutrient contamination originating from manure and other nutrient rich wastes.

It is also unclear from the application whether stables will be lined with impervious material to allow effective cleanouts and the protection of underlying soil and groundwater. Additionally, it is unknown whether the cleaning of the stables will involve the use of water, and if so, how and where this water/leachate will be contained and treated/disposed of. With regards to the composting hardstand, there is again no mention of leachate drainage or management. It is recommended that the compost have a weather proof cover in periods of rainfall (to prevent unnecessary generation of leachate) and for leachate from the compost area to be contained and appropriately treated/disposed of.

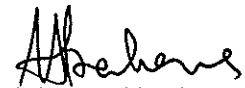
It would be preferable that any leachate from activities on site is contained and either disposed of *via* septic, sewer, controlled irrigation or transferred to an impervious evaporation pond. It is noted that the natural land contours on site would facilitate the surface drainage of water towards the natural drainage line, which may carry environmental risks if any overland flow is contaminated with leachate or manure. Clean stormwater should be directed away from any areas in which it may become contaminated by the use of drainage lines/bunds (if required) to minimise leachate generation.

The spreading of manure on site is mentioned but the methods to be used are not detailed. It is assumed the spreading of manure will occur after composting, but it is unclear what equipment (if any) will be used to spread the manure and also whether spreading will be restricted to certain weather conditions (eg not in heavy rainfall periods) and certain areas (eg low-lying or flood-prone areas). It is not discussed how nutrient loads will be managed when applying manure and whether the recommended limits in the guideline for the soil type will be adhered to.

The guidelines also mention the need for care to be taken with the use of sawdust and wood waste for bedding, and the environmental risks to waterways which can be associated with drenching. These items are not mentioned in the application.

The above comments are not exhaustive and it is DEC's recommendation that the City of Albany require the applicant to submit a revised application which places more focus on addressing the guidelines.

Yours sincerely



Adnaan Abrahams  
A/REGIONAL MANAGER

24 April 2012

Attachment : Cover pages *Environmental Guidelines for Horse Facilities and Activities*  
(Waters and Rivers Commission & Department of Health 2002)

cc Department of Water, Albany – Karen McKeough

# guidelines



Water and Rivers Commission  
Department of Environmental Protection  
Department of Health



WATER QUALITY PROTECTION GUIDELINE NO 13

## ENVIRONMENTAL GUIDELINES FOR HORSE FACILITIES AND ACTIVITIES

DECEMBER 2002

## ENVIRONMENTAL GUIDELINES FOR HORSE FACILITIES AND ACTIVITIES

Prepared by

Water and Rivers Commission

Department of Health

Department of Environmental Protection

Western Australian Horse Council (Inc)

WATER AND RIVERS COMMISSION  
WATER QUALITY PROTECTION GUIDELINE  
REPORT NO WQP 13  
DECEMBER 2002



Government of Western Australia  
Department of Water

A221715  
AGENDA ITEM 2.4 REFERS *aylor*

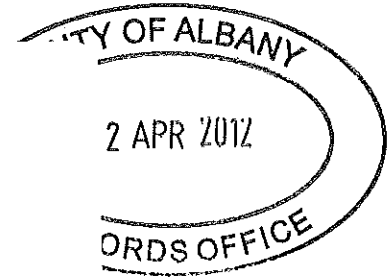


Your ref: A221715/PA37390/P2120039  
Our ref: RF1553-03 / SRS 30914  
Enquiries: Karen McKeough, Ph: 9841 0128

Chief Executive Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331



City of Albany Records  
Doc No: ICR1263208  
File: A221715  
Date: 12 APR 2012  
Officer: PLAN20



Attn: Taylor Gunn

Attach:  
Box  
Vo  
Box+Vol:

Dear Madam

**Application for planning consent – 140 Lowanna Drive, Marbellup**

Thank you for the opportunity to comment on the above proposal. The Department of Water provides the following comments.

**Foreshore protection area**

As the foreshore revegetation area is identified as a development exclusion zone, no development or stock grazing should occur in this area. As the application acknowledges this, the department has no objections to the proposed equine facilities.

However, the application identifies firebreaks located within the foreshore revegetation area. This is in conflict with the foreshore management plan that was prepared for the revegetation area as a condition of subdivision approval. *Section 7.5 Fire Safety and Bushfire Management* states that the owner of Lot 195 is responsible for maintaining firebreaks outside the revegetation protection area. Grazed paddocks adjacent to the revegetation area should also minimise the fuel load and fire risk to the revegetation area.

It is recommended that prospective purchaser be given a copy of the *Foreshore management plan and tree planting proposal* prepared for Lot 126 Lowanna Drive, Gledhow by Ayton Baesjou Planning. This plan was approved by Department of Water in June 2011.

Should you wish to discuss this matter further please contact Karen McKeough.

Yours sincerely

**KATRINA BURTON  
ACTING PROGRAM MANAGER  
SOUTH COAST REGION**

5 April 2012

South Coast Region  
5 Bevan Street Albany Western Australia 6330  
PO Box 525 Albany Western Australia 6331  
Telephone (08) 9842 5760 Facsimile (08) 9842 1204  
www.water.wa.gov.au  
wa.gov.au

**Taylor Gunn**

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**From:** Planning (External Use ONLY)  
**Sent:** Monday, 30 April 2012 8:53 AM  
**To:** Taylor Gunn  
**Subject:** FW: EF1264146 - A221715 - A221715/PA37390

**Importance:** High

**SynergySoft:** EF1264146 - A221715

FYI

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Jessica Davidson  
Administration Officer - Planning

Tel: (08) 9841 9383  
Fax: (08) 9841 4099



PO Box 484 | Albany | WA | 6331 (102 North Road Yakamia) | [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

Please consider the environment before printing this email.

**From:** Overheu, Tim [<mailto:tim.overheu@agric.wa.gov.au>]  
**Sent:** Thursday, 26 April 2012 1:36 PM  
**To:** Planning (External Use ONLY)  
**Subject:** EF1264146 - A221715 - A221715/PA37390  
**Importance:** High

**Att: Taylor Gunn**

In regard to an application for Livestock Grazing and Stables at 140 Lowanna Drive, Marbellup – there were a number of deficiencies in the application presenting challenges for DAFWA to provide a well considered response. DAFWA is unable to determine if the proposal is likely to cause either land degradation or land use conflict based on the information supplied.

Query 1: Is planning consent different to a development approval? If so how? (i.e. if the City says provisionally yes - will they be able to institute changes if needed). In the provided application there is no data provided about the soil type information or land contours (necessary for us to determine nutrient management issues, etc).

The landholder must prove they will not cause land degradation by their activities nor result in negative impacts on neighbours lifestyle.

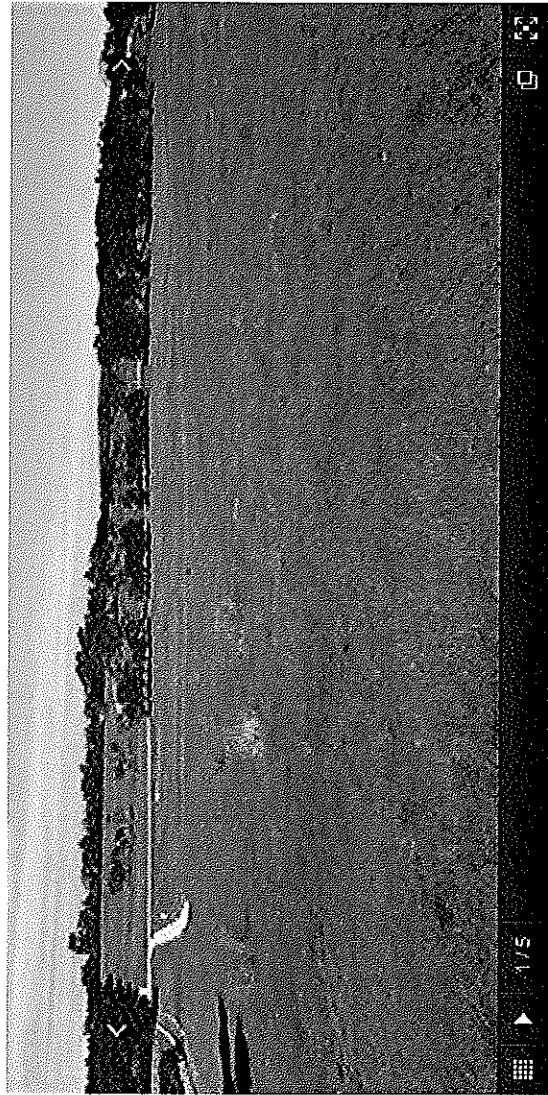
No estimation baseline stocking rate possible on property.


1. Access of livestock to wetlands and waterways is not recommended (DoW) guidelines - is this a designated wetland? (note point 5.0)

No water budget / estimate - of requirements. Should be conditional on getting approval for bore.









**Professionals Albany**  
**A: 256 York St**  
**Albany WA**

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### MAKE THE BREAK TODAY

Say goodbye to the suburban rat race and hello to wide open spaces with this quality 19.6ha Special Rural zoned lifestyle property on the outskirts of stunning and historic Albany. If you need a hit of city life once and a while this property offers the best of both worlds as its only 8 minutes from Albany's CBD and yet you feel like you are in the heart of the country. The picturesque, undulating landscape and sunny northerly aspect enhance its overall appeal. The well fenced property has nice stands of shade trees, plenty of pastured areas for keeping a few horses or livestock and prime locations for building the home of your dreams. The property is on the edge of a quality rural estate, which has sealed roads and is well serviced with scheme water, power and telephone.

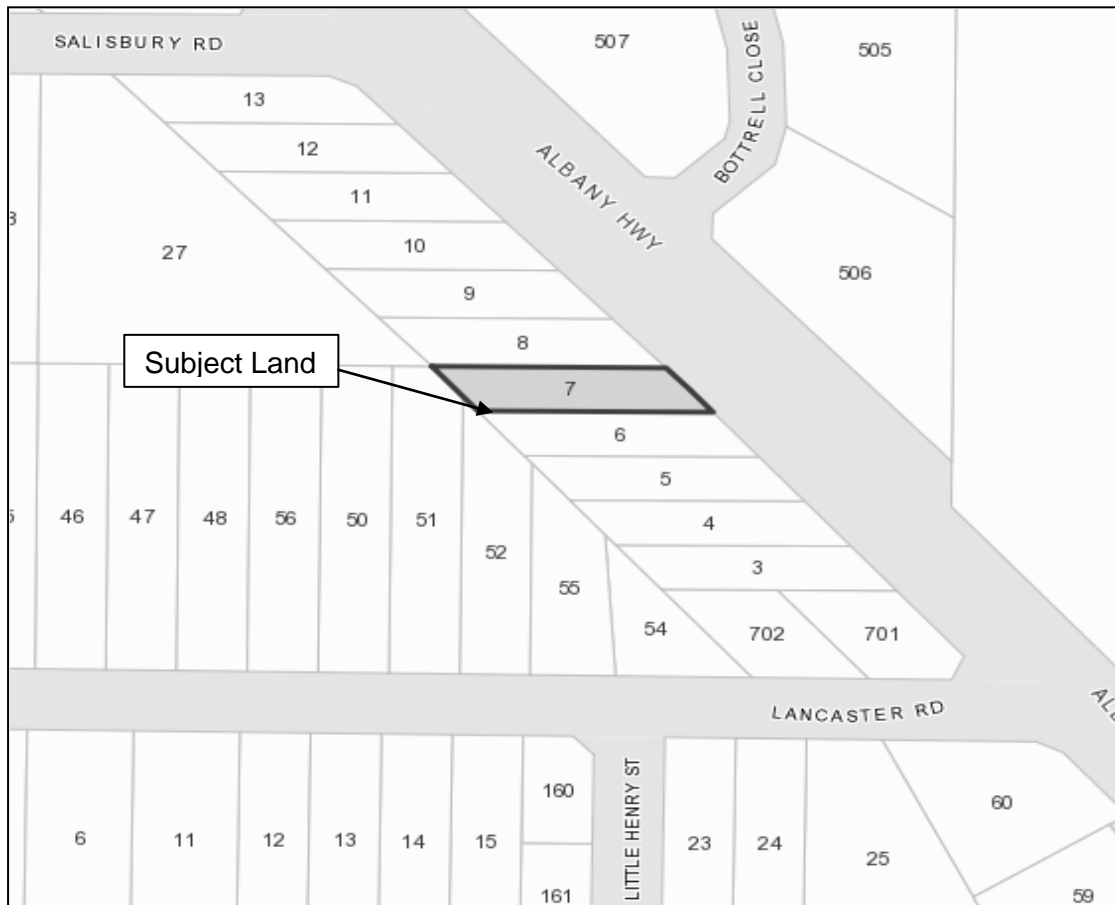
#### Property Details

Type:	Land
Land:	19.6hectares
Property ID:	552819
Views:	46

**2.5:DEVELOPMENT APPLICATION – SINGLE HOUSE - (SIDE SETBACK RELAXATION) - LOT 7 (577) ALBANY HIGHWAY, MCKAIL**

<b>Land Description</b>	: Lot 7 (577) Albany Highway, McKail
<b>Proponent</b>	: G Sivwright – WA Country Builders
<b>Owner/s</b>	: M Merrifield
<b>Business Entity Name</b>	: Nil
<b>Director of Owner Company</b>	: Nil
<b>Attachment(s)</b>	: Covering letter/justification : Site plan, floor plan & elevations
<b>Councillor Workstation</b>	: Nil
<b>Responsible Officer(s)</b>	: Executive Director Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- A building licence was issued for a single house at lot 7 (577) Albany Highway, McKail.
- The house was not constructed in accordance with the approved plans (setback from southern boundary).
- This application is for retrospective planning approval for the side setback relaxation.

**RECOMMENDATION**

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

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Single House - (Side Setback Relaxation) at Lot 7 (577) Albany Highway, McKail subject to the following conditions:**

- a. Development shall be carried out in accordance with the approved plans, including any details and/or amendments marked in red.**
- b. Stormwater disposal shall be managed to the satisfaction of the City of Albany.**
- c. The new crossover shall be constructed to the satisfaction of the City of Albany and Main Roads WA. A 'Permit' from the City of Albany is required prior to any work being carried out within the road reserve.**

**BACKGROUND**

1. According to the City's records the subject site is 976m<sup>2</sup> in area and is zoned 'Residential' with a Residential Design Code Density of R5 under the City of Albany's Town Planning Scheme No. 3 (TPS 3).
2. On 23 February 2012, a building licence application was lodged by WA Country Builders for a single house at lot 7 (577) Albany Highway, McKail.
3. The house complied with the relevant requirements of the Building Code of Australia and the acceptable development criteria contained within the Residential Design Codes of Western Australia (R-codes) and the building licence was subsequently issued on 28 February 2012.
4. The house was approved with a setback of 1.5m from the southern boundary, which is the required setback under the R-codes.
5. The house was constructed and is currently at 'lockup' stage however was built contrary to the approved plans. The setback from the southern boundary varies from 1.037m at the south-eastern corner of the house up to 1.370m for the south-western corner of the wall.
6. The proponent has advised that the house was set out in the wrong location, as the boundary marker was placed in the incorrect location. The boundary line was taken off an existing peg which was believed to have been a peg installed by the surveyor.
7. The affected southern neighbour was consulted regarding the proposed side setback relaxation and has objected to the proximity of the house. As no compromise can be reached between both parties, the application has been referred to Council for consideration.

**DISCUSSION**

8. The subject site is relatively flat and is located on the western side of Albany Highway directly to the south of the Albany Italian Club. The adjacent lot to the south remains undeveloped.
9. The subject lot has a frontage of 19.71m, however due to the angle of the front and rear boundaries the actual distance between the northern and southern boundary is 14.65m. The lot to the south is also identical to the subject site, in terms of both shape and area.
10. The house complies with all of the acceptable development provisions of the R-codes with the exception of the setback to the southern boundary.
11. Under the R-codes the boundary setbacks are calculated on the height of the wall, length of the wall and depending on any openings (windows and doors etc). The southern wall is 17.43m long and is under 3.5m in height, the required setback is therefore 1.5m.
12. The acceptable development provisions under the R-codes illustrate one way of meeting the associated performance criteria. When an application doesn't meet the acceptable development provisions it is assessed against the relevant performance criteria. The performance criteria for clause 6.3.1 – *Buildings setback from the boundary* of the R-codes states;

*“Buildings setback from boundaries other than street boundaries so as to:*

- *Provide adequate direct sun and ventilation to the building;*
  - *Ensure adequate direct sun and ventilation being available to adjoining properties;*
  - *Provide adequate direct sun to the building and appurtenant open spaces;*
  - *Assist with protection of access to direct sun for adjoining properties;*
  - *Assist in ameliorating the impacts of building bulk on adjoining properties;*  
*and*
  - *Assist in protecting privacy between adjoining properties”.*
13. The proponents justification for the relaxation and the relevant performance criteria is as follows;

Subject Site

- The House retains a reasonable setback of 1.0m to 1.3m to the side boundary allowing for breezes and ventilation through this area;
- The boundary setback in question is to the southern boundary. Winter light is from the north, the living areas are orientated to the north, the rooms adjacent to the southern boundary require less direct sunlight (i.e. laundry, study & walk in robes); and
- The house is modest in size, only 172m<sup>2</sup>, even with the additional 54m<sup>2</sup> outbuilding proposed only 24% of the site is built upon. This leaves more than adequate area for ventilation around the building.

Adjoining Property

- The adjoining property will not be overshadowed, especially when considered against Element 6.9 of the R-Codes. The house is single storey and has moved closer to the boundary by 20 to 50cm. There will be little to no difference between the shadow cast by a 1.5m setback and a 1.0m setback.
  - There are no privacy issues as there will be a dividing fence and the house is single storey.
  - The house is single storey, only 18.2m long and the common boundary is 66m. This occupies only a small proportion of the boundary and will not cause building bulk issues when viewed from the adjoining property. 'Building bulk' is more commonly an issue where large houses are proposed on small lots or multi storey dwellings are proposed. Virtually only the roof of the house and a small section of wall will be seen from the adjoining property once the dividing fence is constructed.
  - Many of the openings to this boundary are not major openings or the rooms are infrequently occupied (i.e. the study & laundry). The house is orientated away from the adjoining property meaning less noise and amenity concerns for the future house on the adjoining property.
  - Lot 6 is undeveloped and is a large property. The owners of this property can easily accommodate and design for the development on the adjacent property.
14. In contrast to this, the adjoining landowner has stated their objection on the basis that their lot is only 14.7m wide. They do not want development on the adjoining property to come any closer than 1.5m from the boundary.
15. The purpose of a boundary setback is to achieve clear separation between neighbouring properties so that conflicts and impacts are minimised. The setback attempts to avoid neighbours building houses too close to one another. A setback not only reduces the visual impact of a development onto a neighbouring property, it also serves to reduce privacy concerns both visual and acoustic.
16. The Assessing Officers Recommendation is to ISSUE a Notice of Planning Scheme Refusal for sing House – (Side Setback Relaxation) at Lot 7 (577) Albany Highway, McKail as:
- The proposed development does not comply with the acceptable development provisions for 'Buildings setback from the boundary' under section 6.3.1 of the Residential Design Codes of Western Australia.
  - The development does not satisfy town Planning Scheme No. 3, section 5.4 (matters to be Considered by Council) part (y) with regard to "any relevant submission received on the application" given the objections received by the affecting neighbour.
17. If Council refused the application, this would require the house to be demolished and rebuilt in the correct location, which would be at a substantial cost to the proponent.
18. The Assessing Officer notes that as monetary value is not valid planning consideration staff must base their recommendation on consistent planning grounds. If an identical application was received and the house wasn't already constructed, based on the neighbour's objections there would be no reason for why the house couldn't be setback the acceptable 1.5m. This

would allow a setback of 3.653m from the edge of the external wall to the northern boundary (which is what was proposed under the original application).

19. The underlying issue with this application is that the neighbours oppose the location of the house. If the neighbours had no objections, staff would be more inclined to support the relaxation.
20. However, in the opinion of the responsible officer, the proponent has offered sufficient justification for Council to consider granting approval for the dwelling.

### **GOVERNMENT CONSULTATION**

21. No Government consultation was required.

### **PUBLIC CONSULTATION / ENGAGEMENT**

22. The application was referred to the adjoining neighbour for comment. The neighbour's reasons for objecting is;

*"I object my block is only 14700mm wide. I do not want the proposed development on the adjoining property to come any closer than 1500mm of the boundary".*

23. As the relaxation is only likely to affect the neighbour to the south, no other public consultation was undertaken or required.

### **STATUTORY IMPLICATIONS**

24. The land is zoned 'Residential' under TPS 3. The proposed house is a 'P' (permitted) use under the Scheme.
25. Clause 5.1.2 (Permitted Development) section (b) (i) of TPS 3 requires an application for Planning Scheme Consent where a single house requires the exercise of discretion by the Council under the Scheme to vary the provisions of the R-codes.

### **STRATEGIC IMPLICATIONS**

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

***Key Focus Area***

*Organisational Performance*

***Community Priority***

*Policy and Procedures*

***Proposed Strategies***

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*
- *Regularly review all policies in consultation with community and key stakeholders.*

**POLICY IMPLICATIONS**

27. The R-codes is a State Planning Policy (No. 3.1), prepared under section 26 of the *Planning and Development Act 2005* by the Western Australian Planning Commission. The purpose of the R-codes is to provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>The proponent may lodge an application for review to the State Administrative Tribunal of the City's decision to refuse the proposal.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The decision is based on sound planning grounds.</i>
<i>The affected party may lodge an application for review to the State Administrative Tribunal of the City's decision to approve the proposal.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Refusal or approval with appropriate conditions to address concerns raised.</i>
<i>Refusing the application would give rise to a considerable cost impost on the proponent (Builder).</i>	<i>Almost Certain</i>	<i>Severe</i>	<i>Extreme</i>	<i>Not a City liability, however, this has the potential to generate significant adverse publicity.</i>
<i>Approving the application may result in the adjoining owner seeking compensation from the City.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Refuse the application.</i>
<i>Approving the application may set an undesirable precedent and encourage others to proceed with development without or contrary to approval and apologise later.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Refuse the application.</i>

### **FINANCIAL IMPLICATIONS**

29. The proponent has paid the appropriate fee as per the advice given by staff. This fee is non-refundable. The application has been processed within identified timelines and budget constraints.

### **LEGAL IMPLICATIONS**

30. Council's determination could allow the proponent or a third party to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

### **ALTERNATE OPTIONS**

31. Council has the option to approve the application for Single House - (Side Setback Relaxation) at Lot 7 (577) Albany Highway, McKail.
32. The Assessing Officers Recommendation is to: ISSUE A Notice of Planning Scheme Refusal for Single House – (Side Setback Relaxation) at Lot 7 (577) Albany Highway, McKail as:
- The proposed development does not comply with the acceptable development provisions for 'Buildings setback from the boundary' under section 6.3.1 of the Residential Design Codes of Western Australia.
  - The development does not satisfy town Planning Scheme No. 3, section 5.4 (matters to be Considered by Council) part (y) with regard to "any relevant submission received on the application" given the objections received by the affecting neighbour.

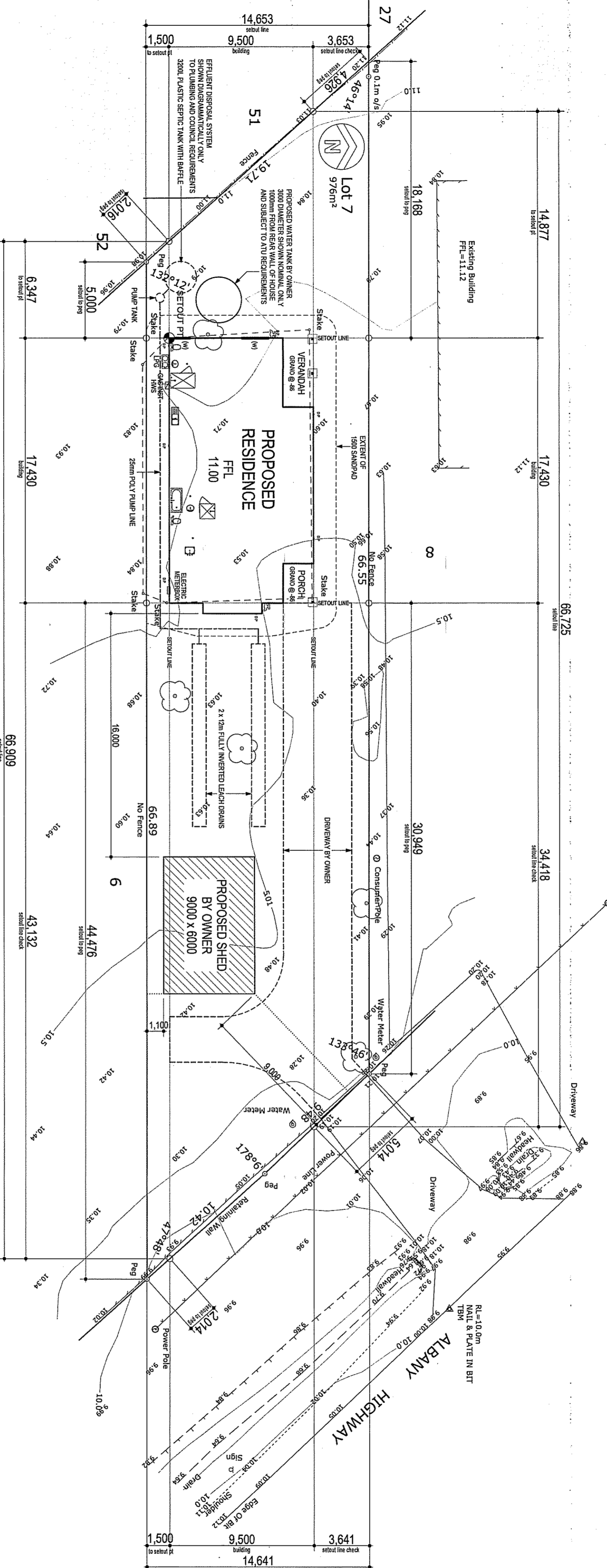
### **SUMMARY CONCLUSION**

33. A retrospective application for single house with a reduced side setback has been received. The house has been constructed in the incorrect location and is now closer to the boundary than what the City had approved. The affecting neighbour has objected to the reduced setback.
34. Although the proponent has provided a response justifying how the application meets the relevant performance criteria of the R-codes, the Assessing Officer have to base their recommendation on consistent planning grounds. If the house wasn't previously constructed staff would ensure that the acceptable 1.5m setback was met, as there is sufficient distance between the external wall of the house and the northern boundary for the dwelling to comply with all acceptable development provisions under the R-codes.
35. Given the house was constructed contrary to the approved plans and is now closer to the boundary than the acceptable 1.5m setback, based on the objections received by the neighbour, the Assessing Officer recommend the proposal not be supported.
36. However, in the opinion of the responsible officer, the proponent has offered sufficient justification for Council to consider granting approval for the dwelling.



<b>Consulted References</b>	Town Planning Scheme No. 3 State Planning Policy 3.1 - Residential Design Codes
<b>File Number (Name of Ward)</b>	A32776 (West Ward)
<b>Previous References</b>	Nil

GRAND TOTAL	9.98
VERANDAH	5.23
PORCH	14.28
PAVING BY OWNER (meas on final)	173.93
DRIVE	173.93



1:200 SCALE BAR

**SITE NOTES**

CHECK AND VERIFY DRAWINGS AND DIMENSIONS. REFER TO DRAWINGS AND SCHEDULES FOR SELECTIONS, MATERIALS AND FINISHES. CHECK AND VERIFY DISCREPANCIES PRIOR TO CONSTRUCTION STAGE. ENGINEER SPECIFICATION AND DWGS SHALL TAKE PRECEDENCE OVER ARCHITECTURAL DWGS. REFER TO ARCHITECTURAL DWGS WHEN AVAILABLE. BOUNDARY RE-ESTABLISHMENT BY THE BUILDER. STORMWATER DISPOSAL BY BUILDER TO COUNCIL RECS. NON-SERVED LOT PROVIDES EFFLUENT DISPOSAL TO PLUMBING AND MANUF. DWGS. DRAWING IS DIAGRAMMATIC ONLY IF SHOWN AND WILL BE SUBJECT TO MANUFACTURER REQUIREMENTS.

**SITE PLAN**  
Scale 1:200

**JOHN KINNEAR & ASSOCIATES**  
Consulting Surveyors

114 ABERDEEN STREET  
PO BOX 233  
ALBANY WA 6331  
PHONE (08) 9842 1353 FAX (08) 9842 1570  
JKA REF: B708A  
PLAN: 128  
C/T Vol. Fol: 2598/916  
MAP REF: BK26 (2) 09.09  
JOB NUMBER: B708A  
SURVEY DATE: 25/10/2011

**NOTE**

This is a site survey and the boundaries shown should be used as a reference only as they have not been re-established as part of this survey. Areas & dimensions are subject to final survey. Station heights are assumed, TBM = 10.0m. Sewer information is as supplied by the Water Corporation of W.A. and has not been surveyed on site.

**LEGEND**

SOIL - N/A	VEGETATION - cleared	KERB - No Kerb	WIND - N/A	SEWER - NO
--- FENCE	--- TOP OF BANK	--- BOTTOM OF BANK	--- OVERHEAD POWERLINE	--- TREE

**Explanation of tree codes:**

PEP 1.14, 12, 13, 8, 2, means a Peppercorn Tree of trunk diameter 1.1m, height 12m, spread of 8m and 2 trunks.

**WORKING DRAWINGS**

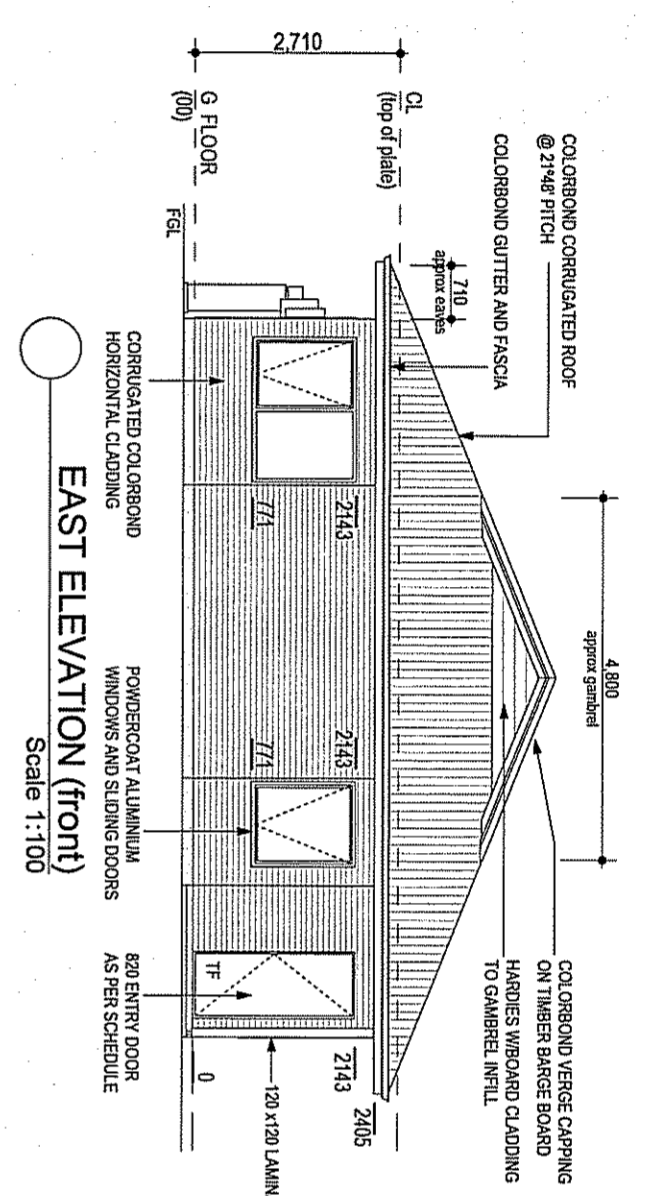
THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT  
DATED: / /

OWNER	WITNESS	OWNER	WITNESS	BUILDER	WITNESS
PROPOSED SINGLE STOREY DWELLING	M J MERRIFIELD				
AT: LOT 7 (#577)	ALBANY HIGHWAY	ALBANY			
DWG STAGE	AS AT				
WD-B	28/01/2012				
CAD REF	JOB N°				
HDD1088.1	24969				
SHEET N°					
	04 / 04				

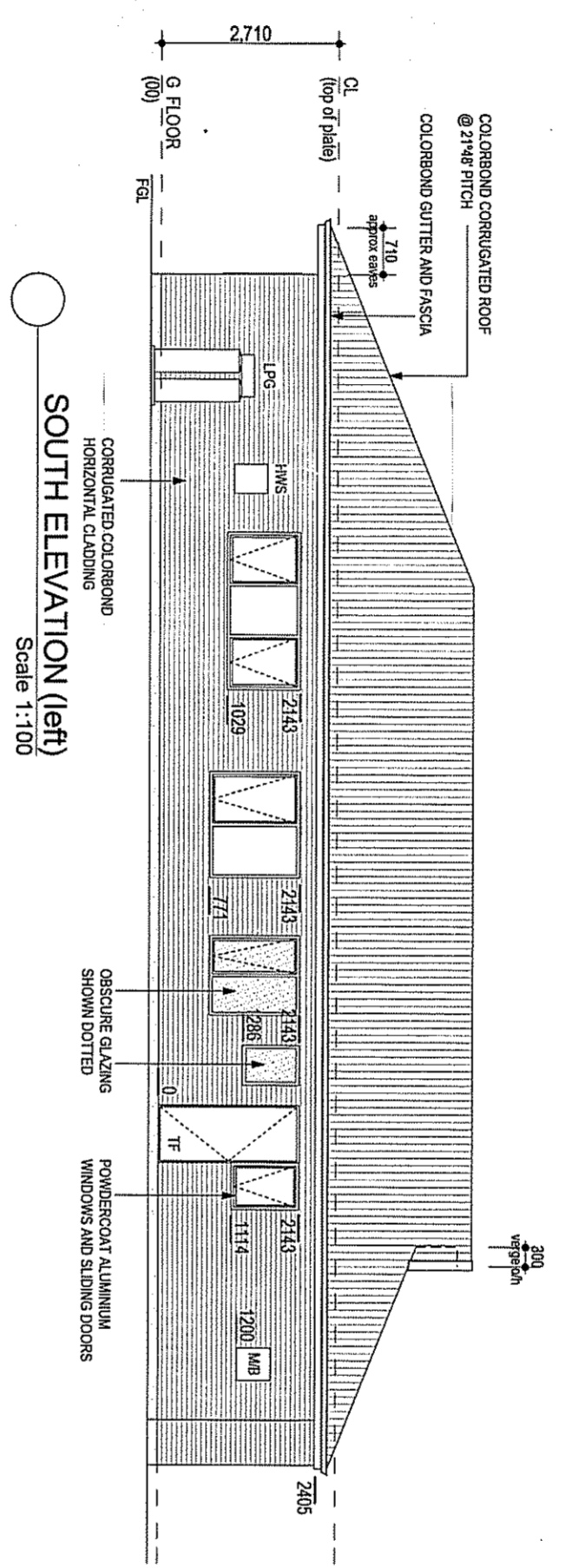
**GREAT SOUTHERN ALBANY BUILDERS**  
95 - 102 Spring Tce, Albany, W.A. 6330.  
PH: (08) 9842 8400 FX: (08) 9842 8411  
Reg. Builder No: 11422 A.B.N. 94 105 402 141  
A Division of JMH GROUP Pty Ltd

WDB-1	Project Variations	28/02/12
WDB-A	Working Drawing	17/11/11
REV	DESCRIPTION	DATE

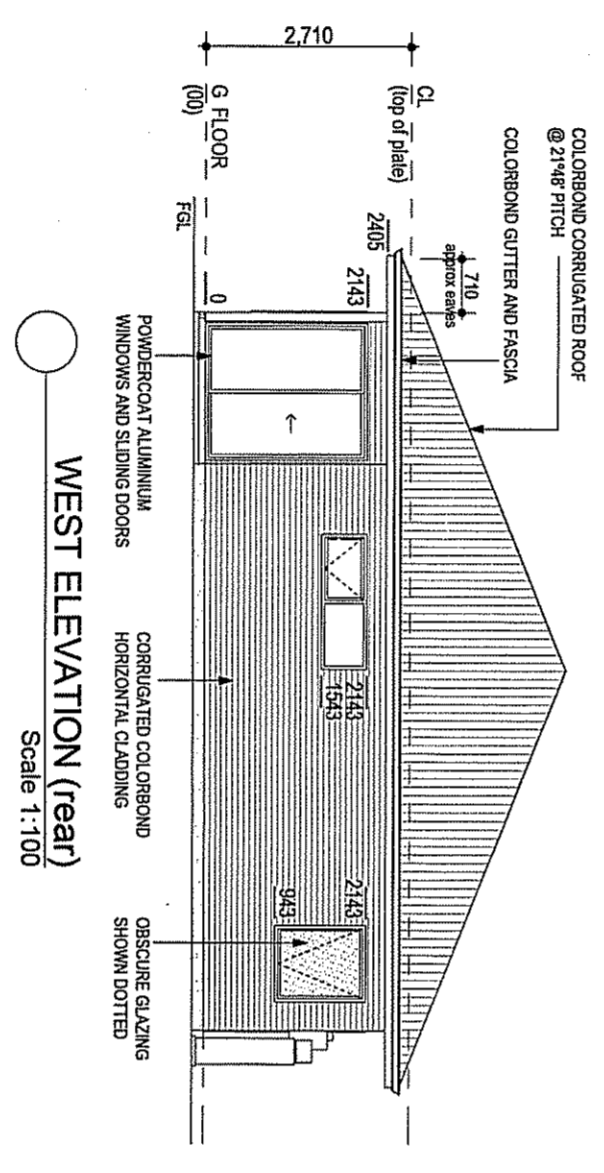
CHECK AND VERIFY DRAWINGS AND DIMENSIONS. REFER TO DRAWINGS AND MATERIALS FOR SPECIFICATIONS. CHECK AND VERIFY DISCREPANCIES WITH THE BUILDER FROM TO CONSTRUCTION STAGE. ALL DIMENSIONS AND DIMS SHALL TAKE PRECEDENCE OVER THE ARCHITECTURAL DWGS. WIND CLASS AS PER A.S. 4055. REFER TO ENGINEER REPORT WHEN AVAILABLE.



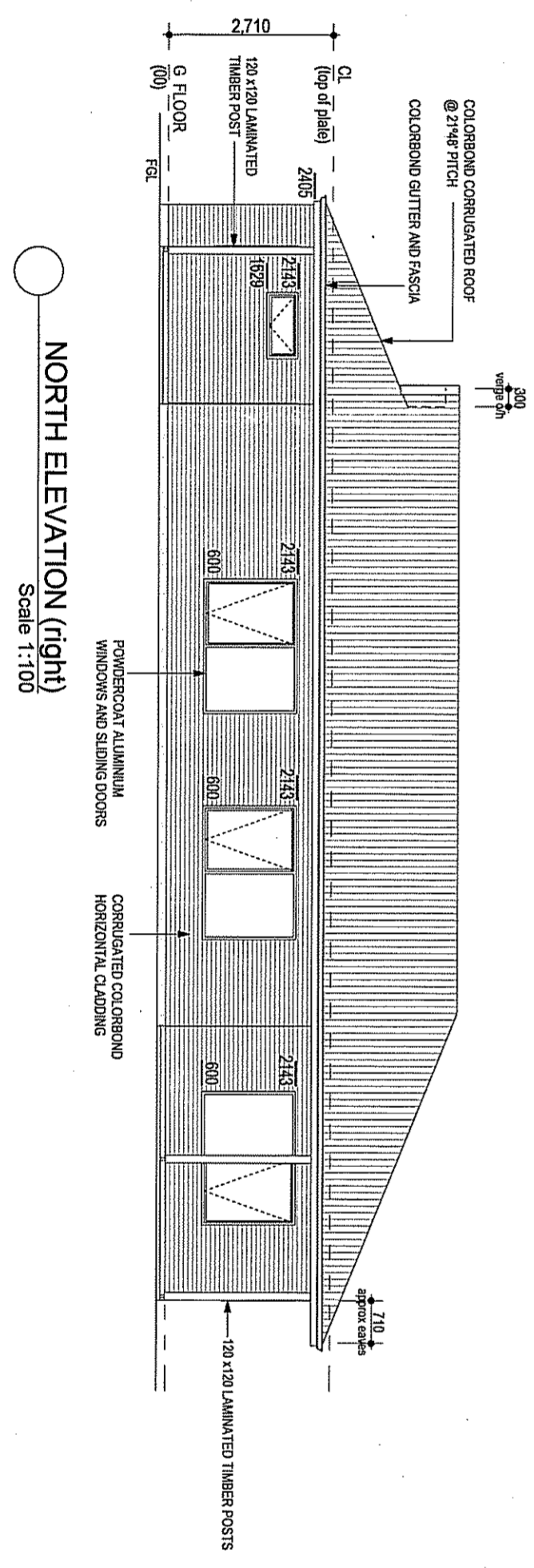
**EAST ELEVATION (front)**  
Scale 1:100



**SOUTH ELEVATION (left)**  
Scale 1:100



**WEST ELEVATION (rear)**  
Scale 1:100



**NORTH ELEVATION (right)**  
Scale 1:100

BASE MODEL # 90001		
GREAT SOUTHERN BUILDERS ALBANY		
98 - 102 Stirling Ter, Albany, W.A. 6330. PH: (08) 9842 8400 FX: (08) 9842 8411 Reg. Builder No: 11422, A.B.N. 64 105 402 140. A Division of JMH GROUP Pty Ltd		
WD-3 Present Variations	28/07/12	
WD-A Working Drawing	17/11/11	
REV	DESCRIPTION	DATE

**WORKING DRAWINGS**  
THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT  
DATED: 17/11/11

OWNER: .....

WITNESS: .....

OWNER: .....

WITNESS: .....

BUILDER: .....

WITNESS: .....

FOR: **M J MERRIFIELD**  
PROPOSED SINGLE STOREY DWELLING  
LOT 7 (#577)  
ALBANY HIGHWAY  
ALBANY

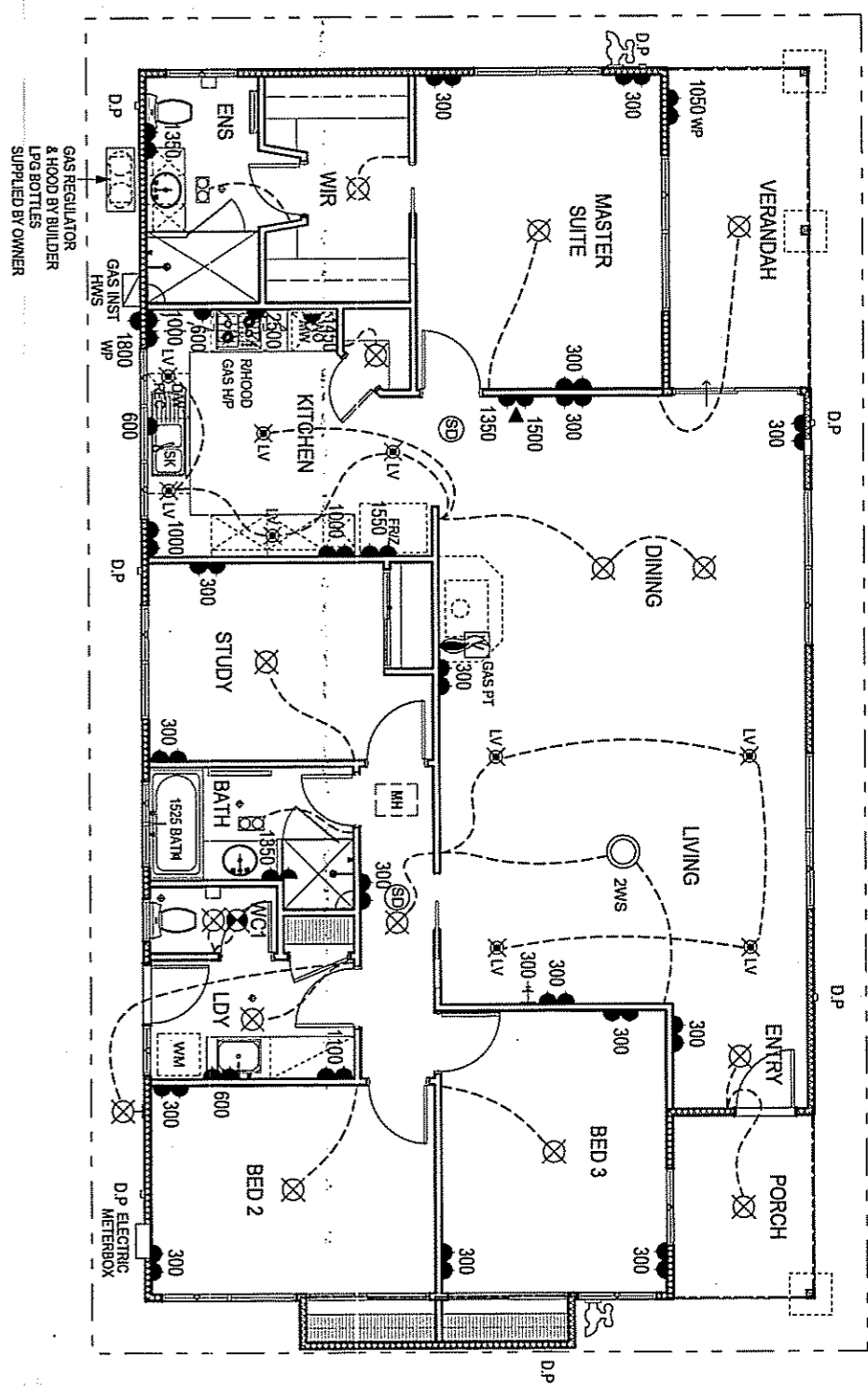
SHEET CONTENT ELEVATIONS  
WD-B 28/01/2012  
JOB N° 24969  
HDD1088.1  
SHEET N° 09 / 01

ELECTRICAL LEGEND	
	GPO SINGLE
	GPO DOUBLE
	GPO QUAD
	GPO W/ROOF
	HEIGHT TO CENTRE
	POWER/DOCK 4 GPO 20A
	SWITCH CABLE
	TWO WAY SWITCHING
	DIMMER SWITCH
	DOOR ACTIVATED SWITCH
	MOTION SENSOR SWITCH
	LIGHT CEILING BAYONET
	LIGHT WALL BAYONET
	LIGHT RECESSED - 20V
	LIGHT RECESSED - 12V
	LIGHT FILURO
	LIGHT FILURO CIRCULAR
	EXHAUST FAN - STANDARD
	EXHAUST FAN - 3 in 12 LAMP
	SMOKE DETECTOR
	TV POINT
	PHONE POINT
	DATA POINT
	SWEEP FAN
	FAN AND LIGHT COMBINATION
	SWEEP FAN

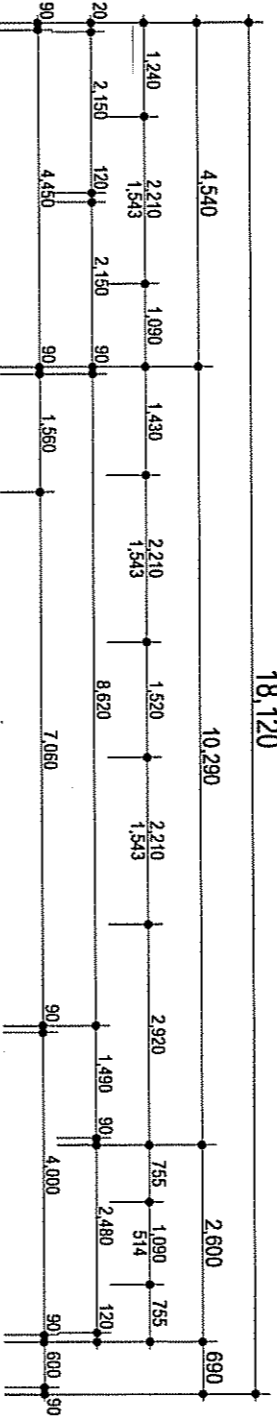
BUILDING AREA (m <sup>2</sup> means on flat)		
21V 48'		209.28
ROOF AREA		
Loc	AREA	PER
HOUSE	154.00	55.240
VERANDAH	9.08	13.080
PORCH	5.20	9.200
	168.28 m <sup>2</sup>	

**CONSTRUCTION NOTES**

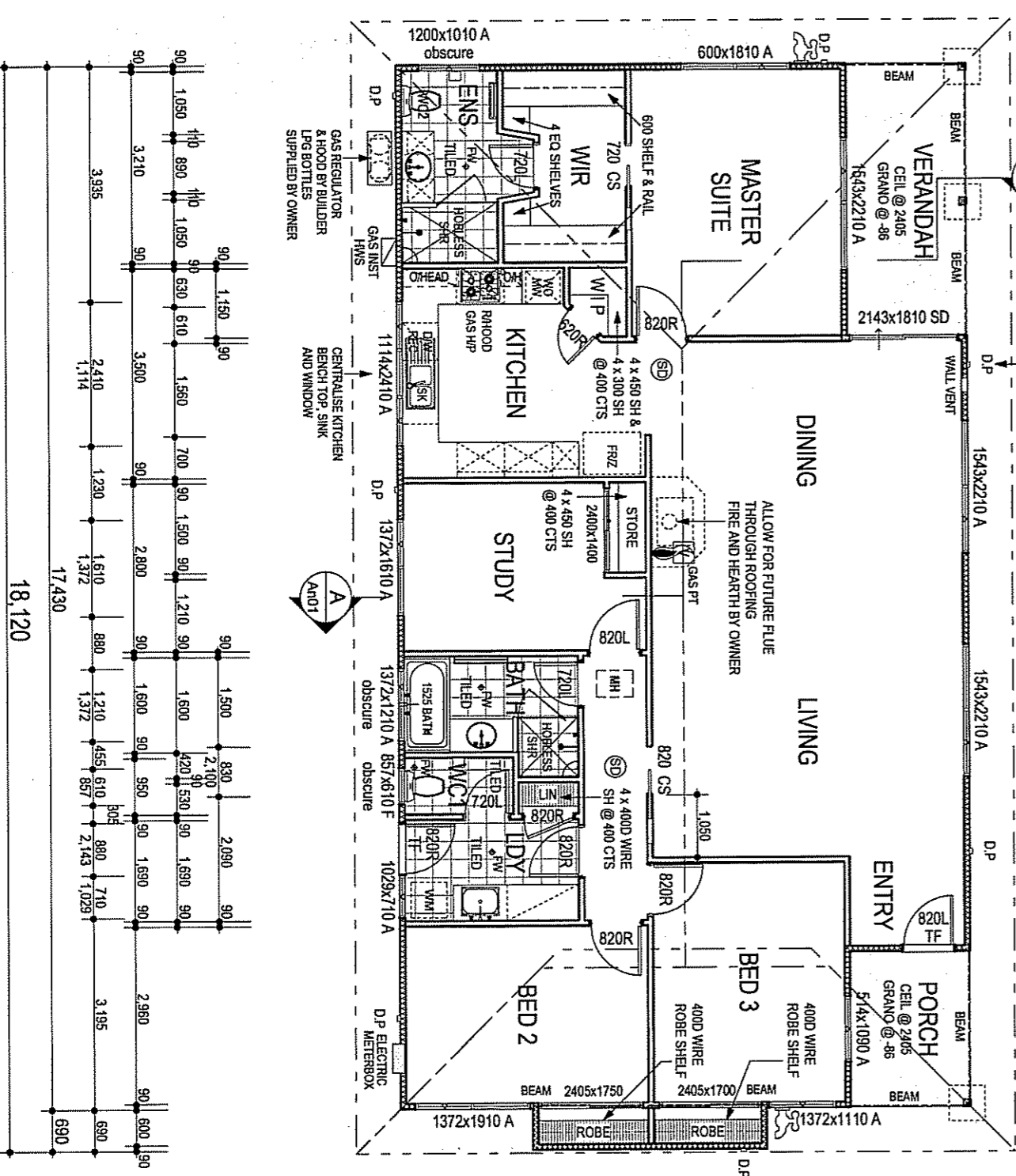
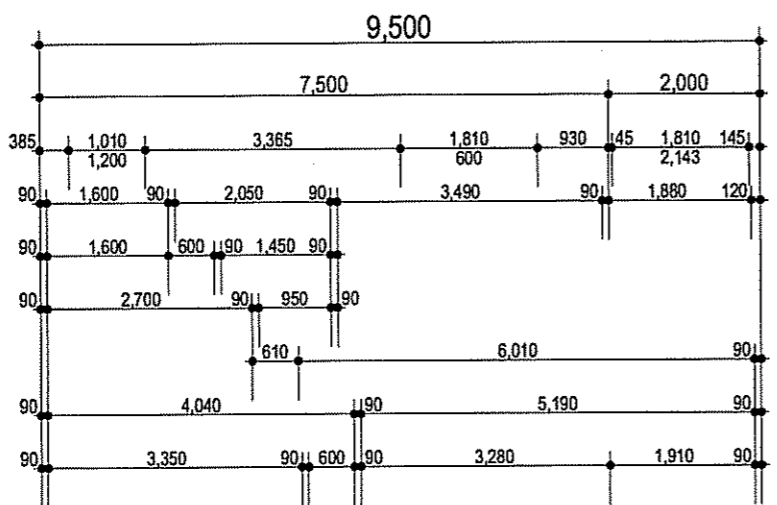
CHECK AND VERIFY DRAWINGS AND DIMENSIONS, MATERIALS AND FINISHES FOR SELECTIONS, MATERIALS AND FINISHES. CHECK AND VERIFY DISCREPANCIES WITH THE BUILDER PRIOR TO CONSTRUCTION STAGE. ENGINEER SPECIFICATION AND DIMS SHALL TAKE PRECEDENCE OVER THE ARCHITECTURAL DIMS. WIND CLASS AS PER A.S. 4055. REFER TO ENGINEER REPORT WHEN AVAILABLE. DOOR FRAMES AT ENDS OF PASSAGE HALLS TO BE CENTRED FOR ARCHITRAVES. EXTERNAL OPENING LOCATIONS MAY BE SUBJECT TO FACE BRICK SETOUT WHERE APPLICABLE. DIMENSIONS SHOWN ARE TAKEN FROM UNFINISHED WALL SURFACES UNLESS NOTED OTHERWISE. DOWNPIPES, TAPS AND OTHER EXTERNAL FIXTURES SHOW APPROX SUBJECT TO BUILDER DISCRETION. TOP OF ISOLATED PAD FOOTINGS SHALL BE AT LEAST 20 BELOW FINISHED FINING LEVEL. PROVIDE INSULATION TO EXTERNAL WALLS, CEILINGS AND FLOORS AS PER THE BCA FOR ZONE 6. FLYSCREENS TO ALL OPENING WINDOWS AND SLIDING DOORS. KEY LOCKS TO ALL OPENING WINDOWS AND SLIDING DOORS. ALL EXTERNAL DOORS TO BE KEVED ALIKE. GAS NEGUS POINTS SHALL BE MINIMUM 1000mm FROM NEAREST OPENING. PROVIDE VENTS AS NECESSARY. SHALL BE MINIMUM 300mm ABOVE FINING LEVEL. GAS INSTALLATIONS SHALL BE SUBJECT TO THE RELEVANT A.S. CODES. PROVIDE HARD WIRED SMOKE DETECTOR (80)



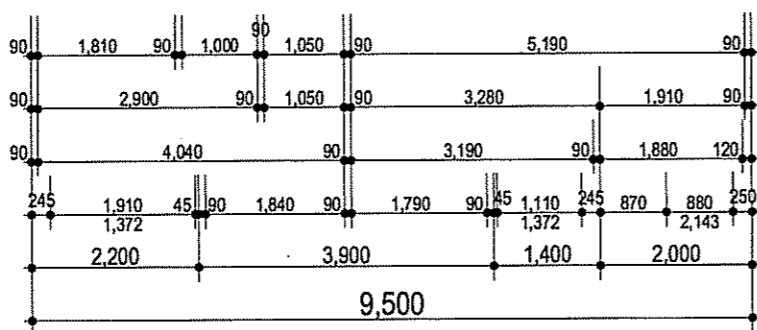
**ELECTRICAL PLAN**  
Scale 1:100



REFER TO PLUMBER NOTE FOR PVC AND GROUND DS



**FLOOR PLAN**  
Scale 1:100



**ELECTRICAL NOTES**  
CHECK AND VERIFY DRAWINGS AND DIMENSIONS, MATERIALS AND FINISHES FOR SELECTIONS, MATERIALS AND FINISHES. CHECK AND VERIFY DISCREPANCIES WITH THE BUILDER PRIOR TO CONSTRUCTION STAGE. ENGINEER SPECIFICATION AND DIMENSIONS SHALL TAKE PRECEDENCE OVER THE ARCHITECTURAL DIMENSIONS. TELEPHONE POINT IS PROVIDED ONLY. TELETYPE CONNECTION IS BY OWNER. PROVIDE TV POINT WITH COAXIAL CABLE IN CEILING. FUTURE ANTENNA BY OWNER AFTER HANDOVER. ELECTRICAL AND GAS INSTALLATIONS SHALL BE SUBJECT TO RELEVANT A.S. CODES, AND SHALL CONFORM WITH THE BCA FOR CLIMATE ZONE 6. ELECTRICAL POINT LOCATIONS & SPECS MAY BE SUBJECT TO CHANGE. REFER TO THE ARCHITECTURAL AND STRUCTURAL CONSTRAINTS.

ELECTRICAL COUNT	
TV Point	1
Smoke Detector	2
PH Point	1
Light Wall	1
Light Sd Cell	14
Light Rec 12V	9
Light Circular	1
GPO Single WP	1
GPO Double WP	4
GPO Double	1
GPO Double	25
EXH Fan Sd	1
EXH Fan 3 in 1	2
2-Way Switch	1

**COUNTRY BUILDERS**  
GREAT SOUTHERN ALBANY

95 - 102 Selving Tce, Albany, W.A. 6330  
PH: (08) 9942 8400 FX: (08) 9942 8411  
Reg. Builder No: 11422, A.S.N. 98 515 402 140.  
A Division of CMV GROUP Pty Ltd

NO	DESCRIPTION	DATE
1	Present Variations	28/07/12
2	Working Drawing	17/11/11

**WORKING DRAWINGS**  
THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT  
DATED: / /

OWNER: M J MERRIFIELD  
BUILDER: M J MERRIFIELD  
WITNESS: \_\_\_\_\_

PROPOSED SINGLE STOREY DWELLING

LOT 7 (#577)  
ALBANY HIGHWAY  
ALBANY

SHEET NO. 24969  
JOB NO. 28/01/2012  
DWG STAGE AS AT

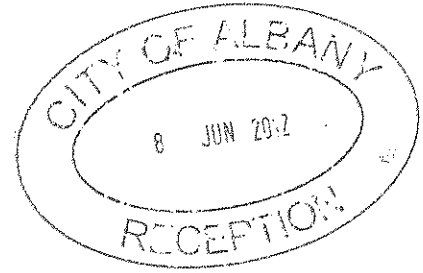
**PLUMBER NOTE:**  
-CAP-OFF PLUMBING TO W/C AND W/M COLD WATER SUPPLY FOR FUTURE RAINWATER TANK SUPPLY. INSTALLED BY OWNER.  
-PROVIDE PVC DPE WHERE REQUIRED FOR RAINWATER TANK WITH REMAINDER OF DPE IN COLOURED.

AGENDA ITEM 2.5 REFERS  
STATEWIDE BUILDING CERTIFICATION WA.

Building Service Registration - Contractor Reg # 11  
BN 11992050. ABN 72945848230.

m

W A Country Builders  
96-102 Stirling Terrace  
Albany WA 6330



Ref:- Lot 7 No; 577 Albany Highway - Albany

6/06/2012 12:05 PM

Dear Graham

Statewide Building Certification WA has been requested by WA Country Builders (WACB) Great Southern to provide a report in relation to a 'set back' issue for a new house which is currently at 'Lockup' stage at Lot 7 Number 577 Albany Highway.

I attended site with yourself and your site supervisor on Monday 21<sup>st</sup> May 2012.

It was evident that the house was set out in the wrong location.

This was as a result of the boundary line being taken off an existing peg which was 'believed to have been' a peg installed by the licensed land surveyor from John Kinnear & Associates. It was noted that no-one actually knew when or who had installed this particular peg.

The site supervisor informed us that this peg was not in place at the time of the original site inspection and did not show up in the original photographs of the site which were on the property job file.

We then identified the location of the front boundary peg and noted that another site peg had been removed and discarded close to the re-pegged area.

Basically when a string line was run from the new front boundary survey peg (South Eastern corner of the block) to the rear boundary peg (South Western Corner of the block) it became evident that the required site set back of 1500mm from the side boundary to the wall of the now existing residence was not achieved i.e:-

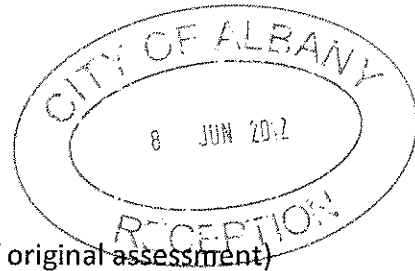
The South Eastern corner of the residence from the true / legal boundary line is **1037mm** to the external wall.

The South Western corner of the residence from the true/ legal boundary line is **1370mm** to the external wall.

AGENDA ITEM 2.5 REFERS  
STATEWIDE BUILDING CERTIFICATION WA.

Building Service Registration – Contractor Reg # 11  
BN 11992050. ABN 72945848230.

.com



**BUILDING CODE OF AUSTRALIA IMPACT:-**

The BCA 2011 Volume 2 – Class 1 & 10 (In force at time of original assessment)

- ❖ External wall of the residence if within 900mm of the fire source feature (in this case the side boundary) would need to have a fire resistance level of 60/60/60. As the wall is more than 900mm from the FSF this is not applicable (Complies with Deemed - to - Satisfy Provisions)
- ❖ Openings in this Southern elevation do not require protection as they are more than 900 mm from the Fire Source Feature. Note that windows less than 1.2m<sup>2</sup> in area in non-habitable rooms facing the boundary of an adjoining allotment (Bathroom, Laundry or toilet) can encroach within 600mm of the boundary. (BCA Ref:- 3.7.1.5 (d) concessions)
- ❖ Any other room facing the boundary that has an opening of less than 0.54m<sup>2</sup> may also encroach to within 600m.
- ❖ This Residence has non-combustible eaves linings (Fibre Cement Sheeting) non – combustibles Fascia (Steel) and Non-combustible roof sheeting (Colorbond Steel) 'If the eaves contained combustible materials then they could not encroach with 450mm of the boundary.

In this case the eaves are **situated 315mm from the boundary**, but as they are non-combustible they can be within 450mm of the boundary (Ref 3.7.1.7 Allowable encroachments) (Complies)

I am satisfied that there are no Building Code of Australia matters that require any rectification work to be undertaken.

**RESIDENTIAL DESIGN CODES OF WA IMPACT:-**

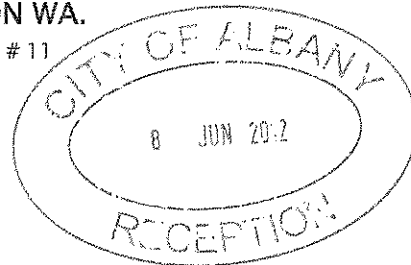
The side set back of 1500mm is no longer achieved as a result of the confusion over the 'mystery' building / boundary set out peg, so it is conceded that it is non-compliant.

The Residence requires a set -back relaxation of 463mm from the side boundary to the South Eastern external corner of the external wall of the residence and a set- back relaxation of 130mm from the side boundary to the South Western Corner of the external wall of the residence. (Average relaxation of 296.5 mm)

This is an awkward and unfortunate situation given that the residence is at the lock up stage.

AGENDA ITEM 2.5 REFERS  
STATEWIDE BUILDING CERTIFICATION WA.

Building Service Registration – Contractor Reg # 11  
BN 11992050. ABN 72945848230.



WACB have discussed the matter with their client whom (I am advised) has accepted that a set- back relaxation is now necessary.

In its planning consideration of this set back relaxation application WACB needs to request that the City of Albany takes into account the following matters:-

- ❖ Building Code of Australia Fire Safety Deemed -To-Satisfy Provisions are not compromised by the siting of this residence.
- ❖ Set back relaxation averages 297mm across the length of the subject wall (17.43 metres in length)
- ❖ There are five windows and one timber frame solid Laundry Door facing this Southern Boundary. Bathroom and the WC windows are fitted with obscure glass, the Laundry door is solid core timber frame door (unglazed). The Laundry window is 0.73m<sup>2</sup> in area and is therefore not a major opening. That leaves two windows that are 'Major openings' the Kitchen window at 2.68m<sup>2</sup> and the Study at 2.2m<sup>2</sup>.
- ❖ This residence is only a single storey construction so the amenity of the area is not compromised by the proposed set back relaxation.
- ❖ Roof pitch is 21.45 degrees (within the realms of a standard roof pitch)
- ❖ The 'R' codes Table 2b nominates that a wall 18 metres long and with a wall height less than 3.5 metres, with major openings, is required to have a set- back of 1500mm.

The 'R' Codes Part 1 – Preliminary Section under section 1.3.2 (e) Objectives for the Planning and Development Process states that one of the objectives is :-

***“To provide for neighbours consultation and discretionary decisions by Councils where acceptable development provisions are not met”***

This is one such situation that requires a discretionary decision from the City of Albany. WA Country Builders will undertake any practical solutions that address the issues of privacy to adjoining neighbours in the future.

Please note that the client will be erecting a colour bond fence along this side boundary (if this fence height were to be 1800mm this in itself would serve to resolve any overlooking / Privacy issues).

AGENDA ITEM 2.5 REFERS  
STATEWIDE BUILDING CERTIFICATION WA.

Building Service Registration - Contractor Reg # 11  
BN 11992050. ABN 72945848230.

It is by luck that the solar orientation of the residence is such that the subject southern wall will receive little natural light and will be in the shade for most of the year. The installation of an 1800mm high fence will therefore have little impact upon blocking off the natural light / solar efficiency aspects of the residence.

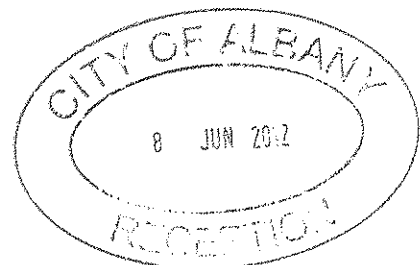
(Main living areas are 'North facing' and Bedroom 2 has it's window facing East).

WACB will ensure that no services encroach into the adjoining lot.

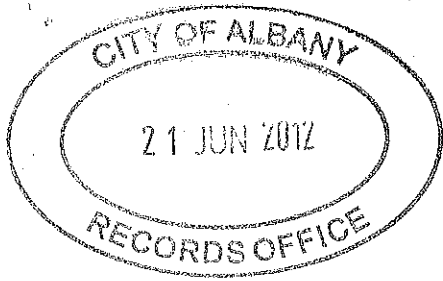
There is no known impact upon the undeveloped adjoining property.

It is suggested that WACB should apply for a set-back relaxation as it is a justifiable solution (for the reasons stated above) and would overcome this regrettable situation.

Yours Sincerely







20 June 2012

Development Services  
City of Albany  
PO Box 484  
ALBANY WA 6331



City of Albany Records  
Doc No: ICR1267970  
File: A32776  
Date: 21 JUN 2012  
Officer: PLAN20

**Attention: Mr Taylor Gunn**

Attach.  
Box  
Vol  
Box+Vol.

Dear Taylor,

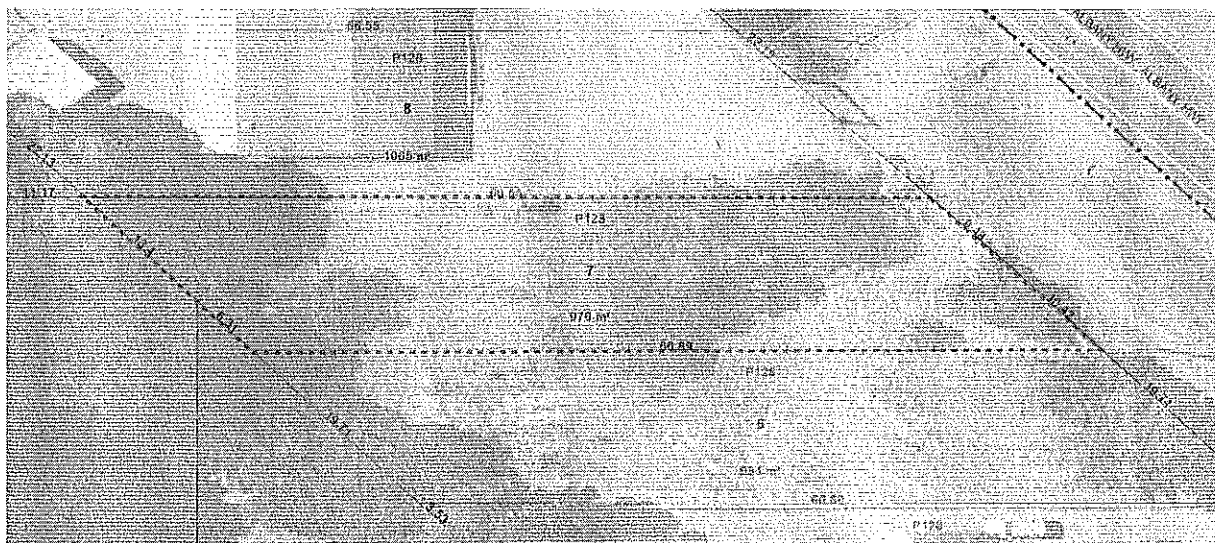
**PLANNING COMPLIANCE REPORT -  
PROPOSED SINGLE HOUSE – LOT 7 (#577) ALBANY HIGHWAY, MCKAIL**

This report supports the application for the Single House at Lot 7 Albany Highway, McKail. In particular it provides justification under the performance criteria of the Residential Design Codes of WA (R-Codes) for the setback to the southern boundary.

**Subject Site**

Lot 7 Albany Highway, McKail (the subject site) is 976m<sup>2</sup> in area and has a frontage of 19.9m. The Italian Club is located on the land immediately to the north and the adjacent lot to the south remains undeveloped.

The subject site is zoned 'Residential' under the City of Albany Town Planning Scheme No.3 and has an applicable density coding of R5 as it is unsewered. Local Planning Scheme 1 intends to code the site R20 which allows for some boundary walls as acceptable development.

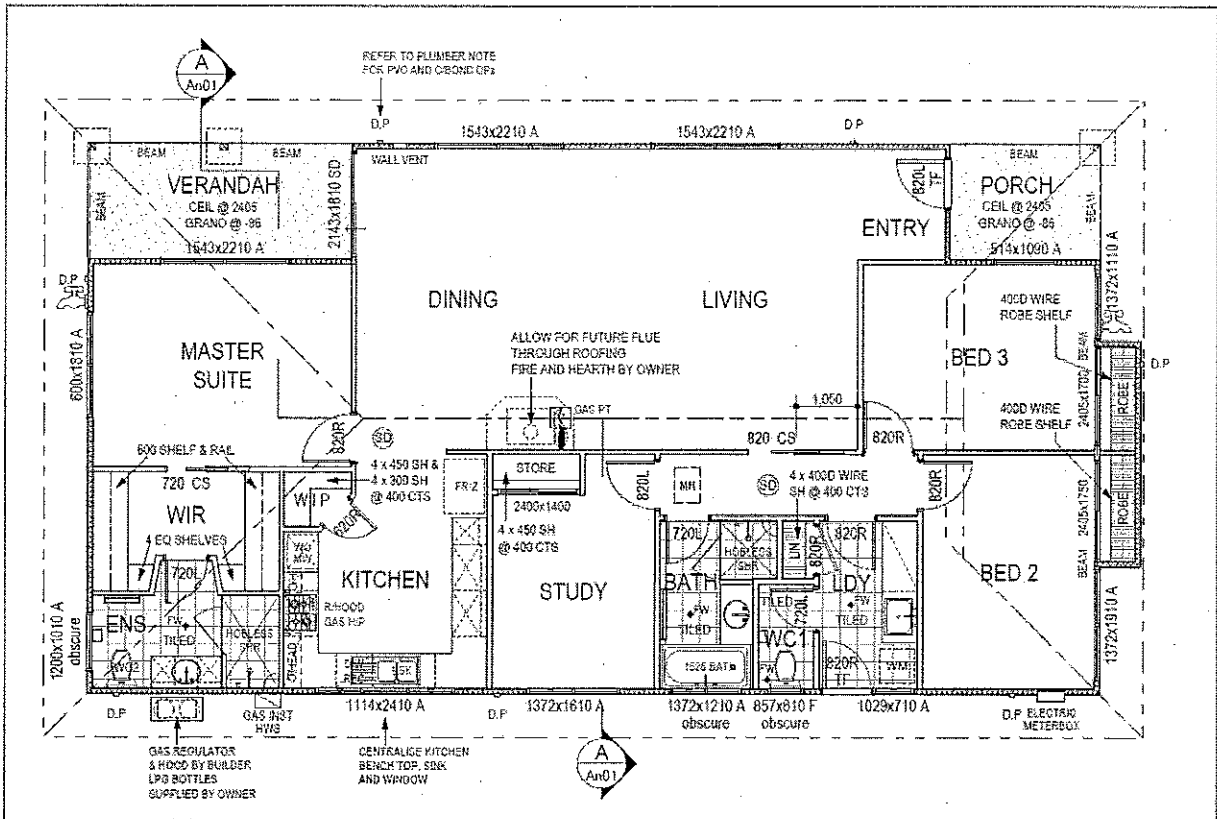


*Subject Site edged in red, Italian Club and car park to north, undeveloped residential lot to the south*

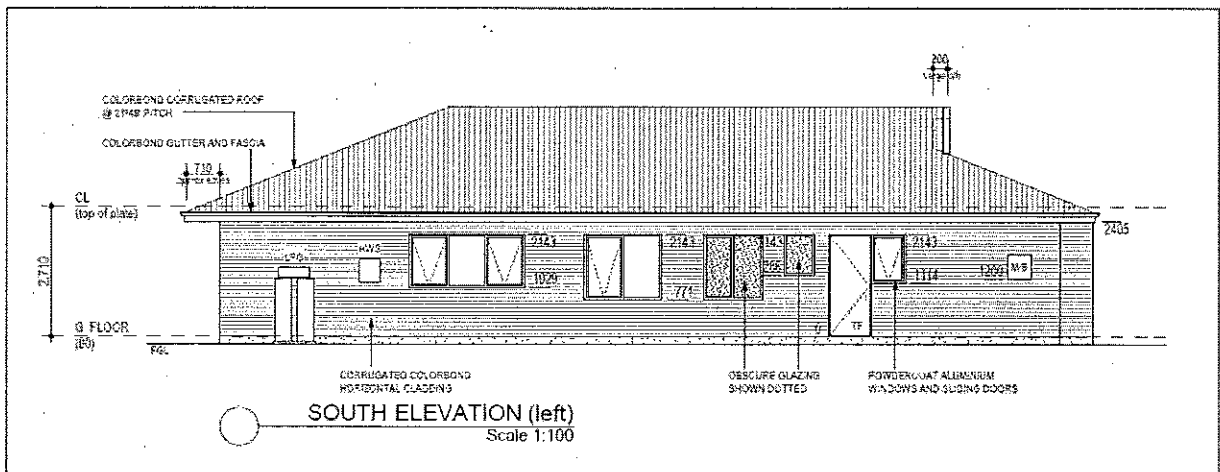
**Background**

A modest sized Single House has already been constructed on the site; there have been complications with the setback of the single house to the southern boundary being less than the previously approved 1.5m. The City still has the ability to consider the Single House and the lesser setback as a retrospective Codes Approval.

The rooms along the southern boundary include a laundry, ensuite, study, second bedroom and the kitchen.



Extract from previously approved plans showing the rooms along the southern side of the house



Southern elevation showing limited number of windows to the southern boundary

Most of the openings to the southern boundary are not major openings or are openings to rooms that are infrequently occupied (study) with the exception of the kitchen.

## **R-Codes Assessment**

The entire house complies with the acceptable development provisions of the R-Codes with the exception of the building setback to the southern boundary.

The South Eastern corner of the residence from the true / legal boundary line is 1.04m to the external wall. The South Western corner of the residence from the true/ legal boundary line is 1.37mm to the external wall.

The acceptable development provisions for this setback are a setback of 1.5m, given a wall 18.2m long with major openings.

### ***Performance Criteria***

This report seeks to justify the setback to the southern boundary against the relevant objective and performance criteria of the element 6.3 *Boundary Setback Requirements*.

Clause 2.5.2 of the R-Codes stipulates that the objective of the element, the performance criteria and explanatory guidelines, plus any adopted local planning policy of the local government should be used in the assessment of any discretionary decision. These are discussed below.

### Objective & Performance Criteria

#### *"6.3 Boundary Setback Requirements*

*Objective: To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties."*

The performance criteria are a list of the specific criteria that are to be satisfied in order to meet this objective. They are divided into the impact of the proposed setback on the proposed building and adjoining properties

In this case the objective of the element and the performance criteria have been met evidenced by the following:

### The Subject Site

- The House retains a reasonable setback of 1.0m to 1.3m to the side boundary allowing for breezes and ventilation through this area;
- The boundary setback in question is to the southern boundary. Winter light is from the north, the living areas are orientated to the north, the rooms adjacent to the southern boundary require less direct sunlight (i.e. laundry, study & walk in robes); and
- The house is modest in size, only 172m<sup>2</sup>, even with the additional 54m<sup>2</sup> outbuilding proposed only 24% of the site is built upon. This leaves more than adequate area for ventilation around the building.

### Adjoining Property

- The adjoining property will not be overshadowed, especially when considered against Element 6.9 of the R-Codes. The house is single storey and has moved closer to the boundary by 20 to 50cm. There will be little to no difference between the shadow cast by a 1.5m setback and a 1.0m setback.
- There are no privacy issues as there will be a dividing fence and the house is single storey.

- The house is single storey, only 18.2m long and the common boundary is 66m. This occupies only a small proportion of the boundary and will not cause building bulk issues when viewed from the adjoining property. 'Building bulk' is more commonly an issue where large houses are proposed on small lots or multi storey dwellings are proposed. Virtually only the roof of the house and a small section of wall will be seen from the adjoining property once the dividing fence is constructed.
- Many of the openings to this boundary are not major openings or the rooms are infrequently occupied (i.e. the study & laundry). The house is orientated away from the adjoining property meaning less noise and amenity concerns for the future house on the adjoining property.
- Lot 6 is undeveloped and is a large property. The owners of this property can easily accommodate and design for the development on the adjacent property.

## CONCLUSION

The proposed southern boundary setback complies with the objective and performance criteria of the relevant R-Code element. The variation from the Acceptable Development criteria is small and the impact on the neighbouring property in terms of overshadowing, privacy, building bulk and ventilation is negligible.

The Single House is a modest sized dwelling on a large lot with good solar orientation. The proposed setback to the southern boundary improves the solar access (to a minor extent) and has little to no effect on the southern rooms in the house.

The neighbouring property is not affected in terms of ventilation, access to winter sun, building bulk and privacy. The development potential of the adjoining property is not affected, the owners of this property are in a position to easily accommodate and design for the house.

We respectfully ask that the Development Services team accept the proposals compliance with the R-Codes.

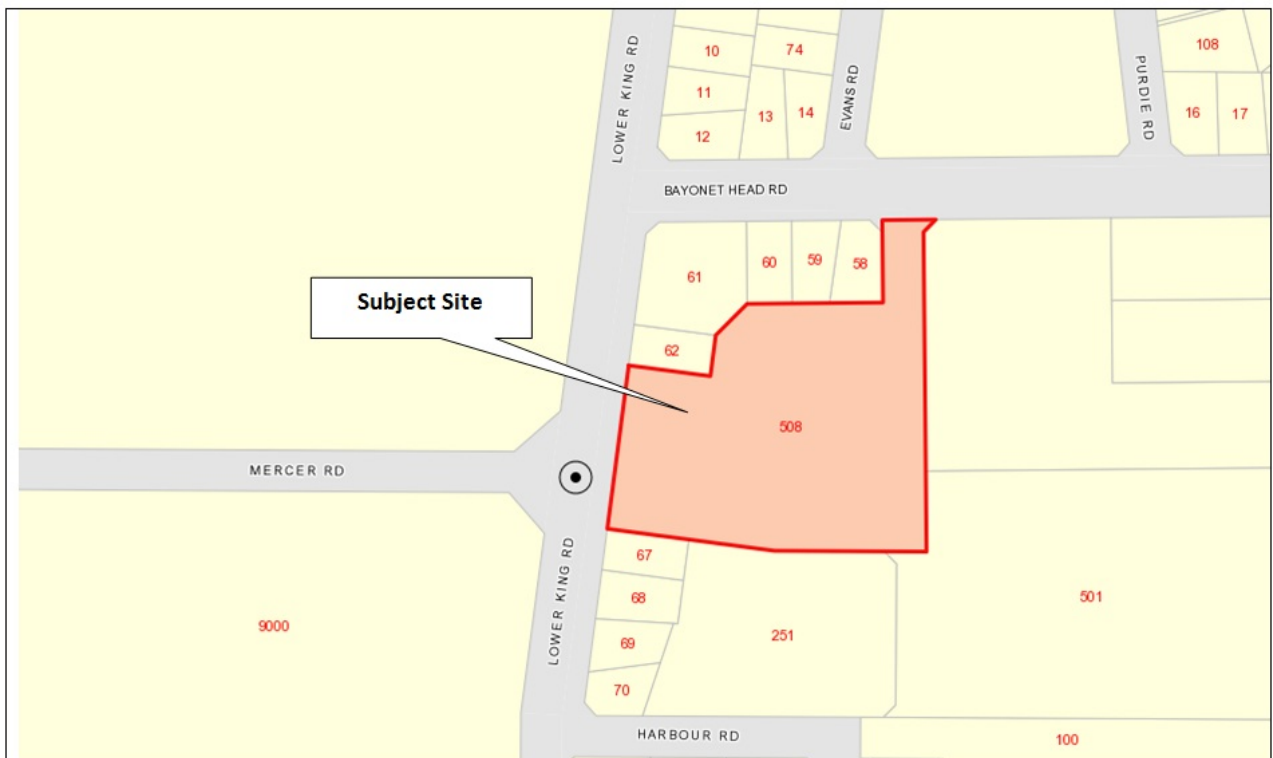
If you require any additional information or wish to discuss this further please do not hesitate to contact me on

Yours sincerely

**2.6: SHOP - (SHOPPING CENTRE SIGNS - MONOLITH X1; PYLON X1; HORIZONTAL X 5)**

<b>Land Description</b>	: Lot 508 Bayonet Head Road, Bayonet Head
<b>Proponent</b>	: Formworks Architecture
<b>Owner</b>	: Cuscuna Nominees Pty Ltd
<b>Business Entity Name</b>	: Future Bayonet Head Shopping Centre
<b>Attachments</b>	: Site plan and elevations.
<b>Councillor Workstation</b>	: Town Planning Scheme 3; Local Planning Scheme No 1A & 3 Policy Manual – refer LPP2 General Development policy – 2B Signs
<b>Responsible Officer</b>	: Executive Director Planning & Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- Proposed signage for Bayonet Head Shopping Centre does not comply with Signs policy.
- As per Planning Applications guideline, Council's consideration is requested to vary the policy requirements.

**RECOMMENDATION**

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

**THAT Council ISSUE A Notice of Planning Scheme Consent for Shopping Centre signs – Monolith x 1; Pylon x 1; Horizontal x 5 at Lot 508 Bayonet Head Road, Bayonet Head subject to the following conditions:**

- i) any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Council;**
- ii) any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition;**
- iii) any illuminated signage hereby approved being illuminated only during hours of business and when so illuminated shall not comprise flashing, intermittent or running lights; and**
- iv) no advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign or so as otherwise to render hazardous the use of any public road.**

**BACKGROUND**

1. The application site is the site of the proposed Bayonet Head Shopping Centre, currently under construction. The site is 16949m<sup>2</sup> in area and is zoned Local Shopping in Town Planning Scheme 3.
2. The Local Planning Policy – Signs sets the objectives and scope of Council control over advertisements. Signs complying with the specifications contained in Table 1 of the policy are exempt from requiring specific planning scheme consent. Additional requirements and stipulations are set down within the policy and some discretion for acceptable deviation can be exercised.
3. The application is presented to Council as the number and height of the pylon/monolith signs and the height of a horizontal sign proposed exceed that stated in the policy.

**DISCUSSION**

4. The application seeks Planning Scheme Consent for multiple signs on the site of the proposed Bayonet Head Shopping Centre which is currently under construction. The signs proposed are 1 illuminated Pylon Sign to be located on the Bayonet Head Road entrance; 1 illuminated Monolith Sign to be located on the Lower King Road entrance and 5 illuminated Horizontal Signs on the building facade.

5. The horizontal signs include the shopping centre name; two for tenant Woolworths; and two for tenant Woolworths Liquor. The proponent is seeking approval for the Liquor tenant signs at this stage although the design is unknown. The reason given for this is that Woolworths are in the process of reviewing the design of the Liquor Signage and it may be subject to change.
6. Illuminated signs are permitted, in accordance with the Signs policy, and must “1) *have any boxing or casing in which it is enclosed constructed of non combustible material; 2) not have a light of such intensity or colour as to cause annoyance to the general public or to owners and patrons of adjacent land; 3) not comprise flashing, intermittent or running lights; 4) have a minimum clearance of 2.75 metres from finished ground level; and 5) not be located in a heritage precinct...*”. An approval should be conditioned to include these requirements as well as an additional requirement to encourage energy efficiency by only illuminating the signs during business hours.
7. The proposal was referred internally to the City of Albany Planning and Development Services Engineer who has commented that the monolith and pylon signs both seem appropriately placed to ensure sight distance is not hindered and collision risk is minimised.
8. The pylon sign complies with policy requirements in so far as dimensions and location on the site, however only one pylon or monolith site is permitted per site. In this location the site has access from two roads and the proposed signs are to be positioned at both entrances.
9. The monolith sign is over the height permitted by the policy. The policy allows a maximum height above natural ground level of 6m. The proposed height is 7.7m above natural ground level. Apart from the relaxation to the height, the sign complies with the policy dimensions and setbacks. The larger monolith sign has been justified by the proponent as the site is significantly lower and screened in part by mature trees on the road reserve at this point and the extra height is needed in order for the sign to be visible by both north and south bound traffic on Lower King Road.
10. The number of horizontal signs proposed complies with Council policy of 6 per stand alone shopping centre; however the horizontal sign on the northern elevation is over height. The policy specifies a maximum height of the sign face at 1.2m. The proposed sign is 2.9m high. The tenant, Woolworths, do not wish to reduce the height of their sign as it is a standard sign they use on all buildings throughout Australia. The overall area of the sign is 8.99m<sup>2</sup> and is below the maximum allowed of 12m<sup>2</sup>. The size of the sign is not out of proportion to the wall it is positioned on or the overall size of the shopping centre building.

#### **GOVERNMENT CONSULTATION**

11. Not applicable.

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

12. Broader consultation with the Community has not been undertaken. This has also been the case in previous applications for relaxations of number and size of signs in shopping centres. The shopping centre is an approved use and signs are permitted as a right, in accordance with Council policy. The policy allows for variations to signage at Council's discretion.

### **STATUTORY IMPLICATIONS**

13. Town Planning Scheme 3 states at Clause 5.16.1 *“Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.”*;
14. Town Planning Scheme Clause 6.9.4 (A) states that *“A Town Planning Scheme Policy shall not bind the Council in respect of an application for Planning Consent...”*.

### **STRATEGIC IMPLICATIONS**

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

**Key Focus Area**

*Organisational performance.*

**Community Priority**

*Policy and Procedures*

**Proposed Strategies**

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

### **POLICY IMPLICATIONS**

16. Local Planning Policy 2B Signs states at B3.2 (Acceptable deviation): *“Council may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely effect of the location, height, bulk, scale, orientation and appearance of the advertisement will not: 1) conflict with or detrimentally affect the amenity of the locality; or 2) interfere with traffic safety.”*
17. The relaxations to the policy that have been requested in this proposal have been assessed by staff to not be detrimental to the local amenity. The site is approved as a shopping centre and the number of pylon/monolith signs can be justified by the two road frontage; the over height monolith sign has been justified by the proponent and in its proposed locality will not be overly prominent in the landscape; and the over height horizontal sign is not out of proportion to the size of the shopping centre and its position on the facade.



**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>The applicant may appeal to a State Administrative Tribunal if the proposal is refused.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>If a decision is made to refuse the application, sound reasoning is required to provide solid defence at a State Administrative Tribunal.</i>
<i>A third party may lodge an application to appeal to the State Administrative Tribunal if the proposal is approved.</i>	<i>Unknown</i>	<i>Moderate</i>	<i>Moderate</i>	<i>An approval decision would be based on sound planning grounds and would also be consistent with previous sign approvals for other shopping centres and the same tenant within the City of Albany.</i>

**FINANCIAL IMPLICATIONS**

19. All costs associated with the development will be borne by the proponent.

**LEGAL IMPLICATIONS**

20. Council’s determination could allow the proponent or a third party to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

**ALTERNATE OPTIONS**

21. Council may determine to refuse the application. Reason for a refusal determination would need to be provided as part of the determination.

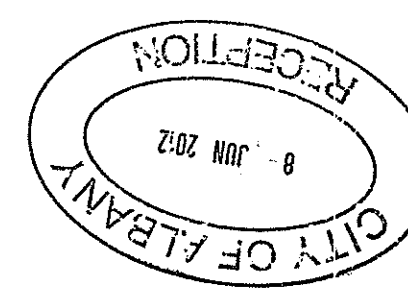
**SUMMARY CONCLUSION**

22. This application proposes variations to Council’s Sign policy. Council may exercise its discretion to approve a variation from the specific standards of the policy and in this instance it can be justified that the number of pylon/monolith signs are warranted considering the lot has frontage and access to two roads. It can also be argued that the additional height of the monolith sign would not seem out of place or unnecessary considering the topography of the area and the need to be visible to north and south bound traffic.

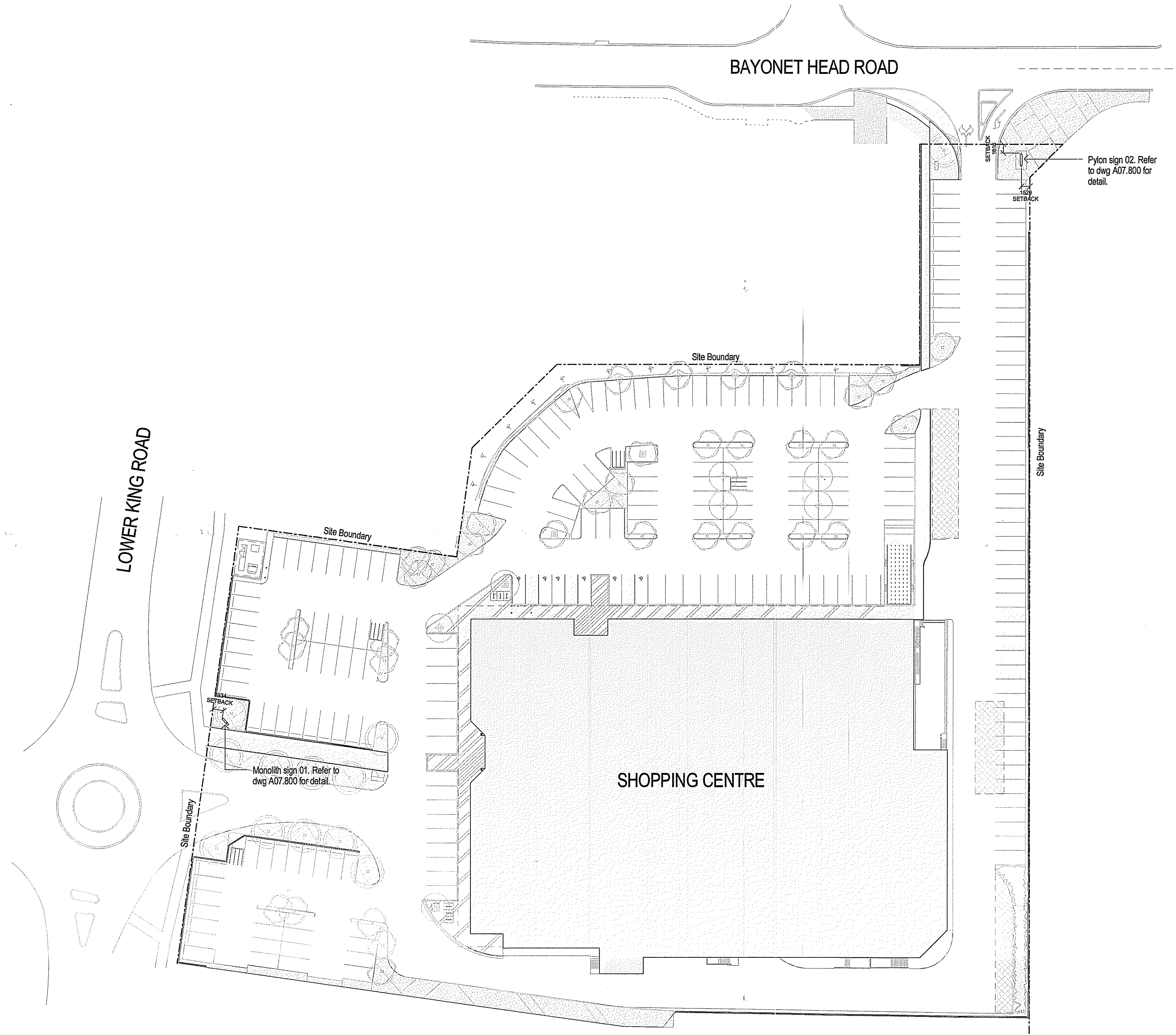
23. Although the proposed major tenants’ horizontal sign exceeds the size permitted under the Council policy, it is in proportion to the scale of the building and is, as advised by the proponent, a standard sign of the tenant. Previous approvals for over height horizontal signs have been granted for this same tenant within the City of Albany.

24. It is considered that in this instance the relaxations requested can be justified and will not affect the amenity of the area and are suitable for this development.

<b>Consulted References</b>	:	City of Albany Town Planning Scheme No. 3 City of Albany Local Planning Scheme No. 1A & 3 Policy Manual
<b>File Number (Name of Ward)</b>	:	A71182 (and/or Ward Name if applicable)
<b>Previous Reference</b>	:	Details previous reference this has been presented to Council (Type of Meeting, Date, Item Number) Abbreviations: OCM = Ordinary Council Meeting SCM Special Council Meeting. Example: OCM 30/06/10 - Item 12.3.4



General Notes  
 1. Do not scale from drawings.  
 2. Check all levels relative to existing ground levels prior to proceeding.  
 3. The builder shall check all dimensions on site prior to commencing any shop drawings or construction and all discrepancies are to be brought to the attention of the supervisor.  
 4. The designer reserves the right to alter dimensions on site to suit construction, engineering or site conditions as required.  
 5. These drawings are the sole property of the designer and may not be reproduced or modified in whole or part without full written permission.



**1** Pylon Signage Location & Setback Plan  
 1:500

Rev.	Date	Amendment

Architect: **formworks** architecture  
 19 Jewell Parade  
 North Fremantle, WA 6150  
 Postal Address:  
 PO Box 291, North Fremantle  
 WA 6150  
 Phone (018) 9335 5220  
 Fax (018) 9335 5281

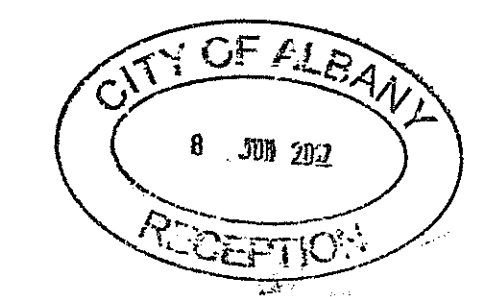
Client:  
**Cuscuna Nominees PTY LTD**

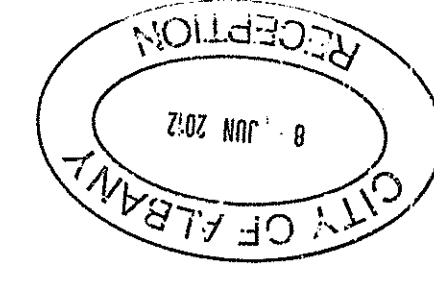
Project:  
**Bayonet Head Shopping Centre**  
 Lot 508, Lower King Road, Bayonet Head.

Title:  
**Pylon Signage Location & Setback Plan**

Drawn	AL	Scale 1: 100
Date	04/20/12	0 2 4 6 8
Scale	1: 500	Drawing No.
Job No.	581	Rev.
		<b>A07.802</b>

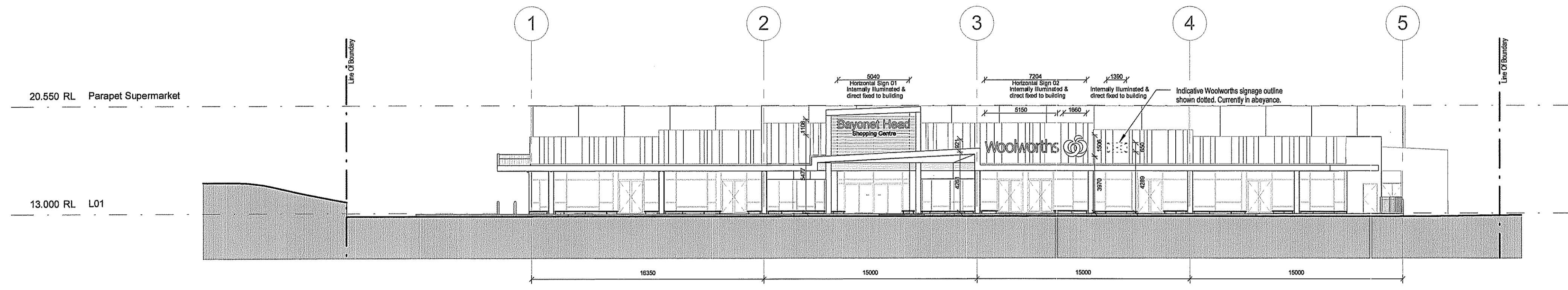
**Development Application**



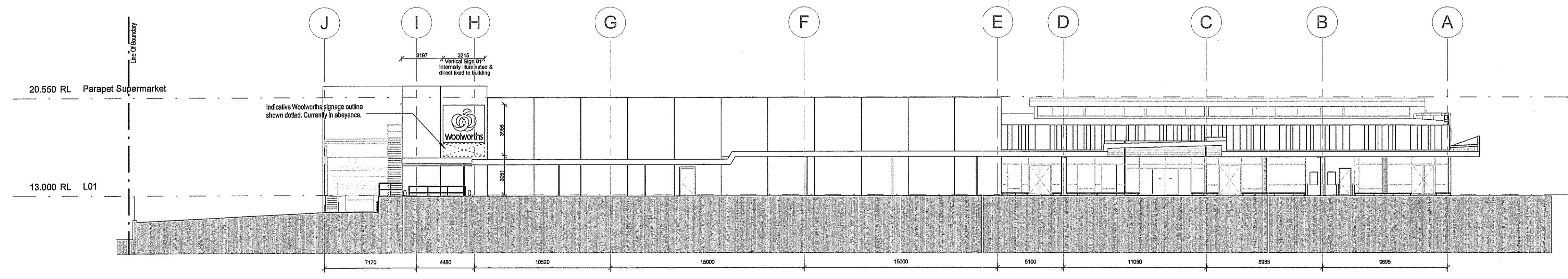


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**2 Elevation West**  
1:200



**1 Elevation North**  
1:200

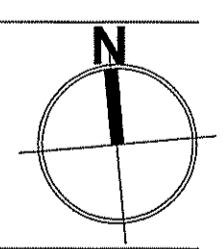
Rev.	Date	Amendment
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Architect:  

 19 Jewell Parade  
 North Fremantle, WA 6159  
 Postal Address:  
 PO Box 251, North Fremantle  
 WA 6159  
 Phone (08) 9335 5220  
 Fax (08) 9335 5281

Client:  
**Cuscuna Nominees PTY LTD**

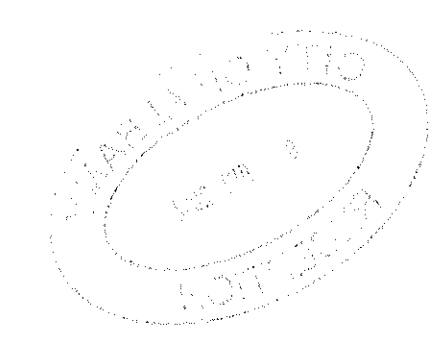
Project:  
**Bayonet Head Shopping Centre**  
 Lot 508, Lower King Road, Bayonet Head.



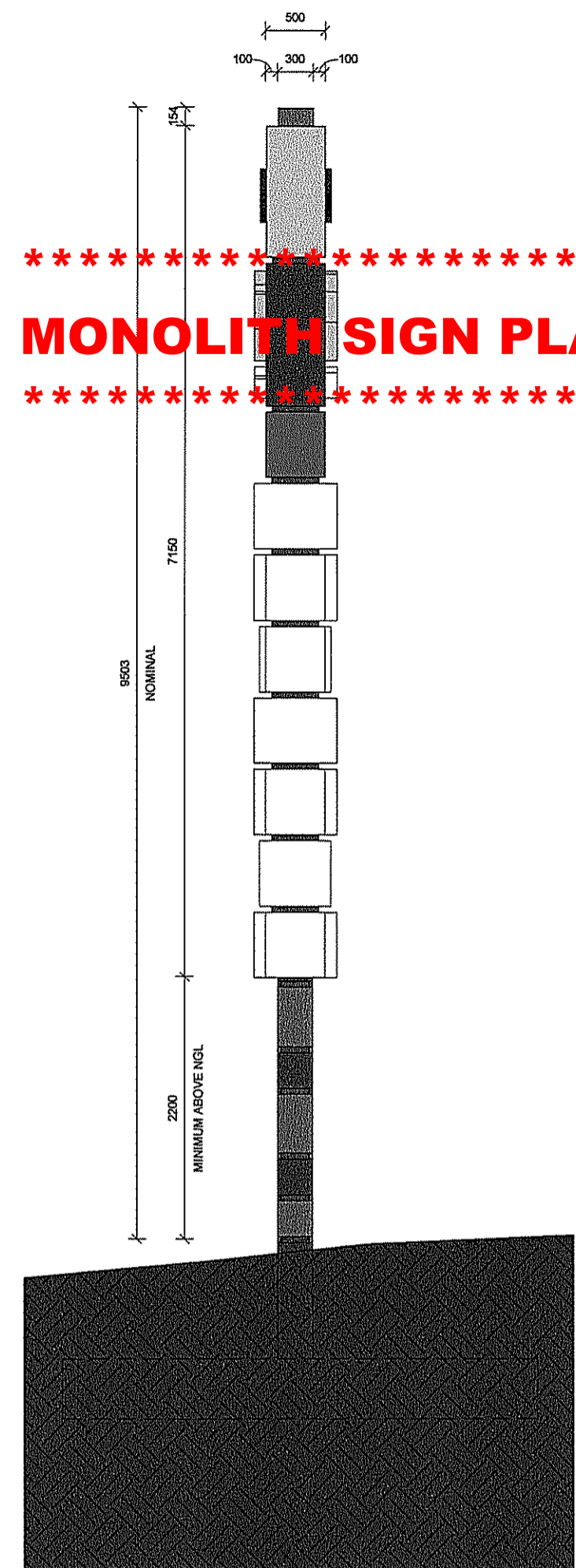
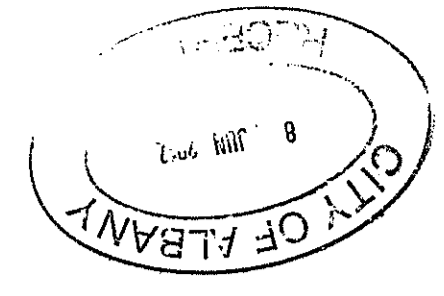
Title:  
**Building Signage Elevations**

Drawn	AL	Scale 1: 200
Date	04/20/12	
Scale	1: 200	Drawing No.
Job No.	581	Rev.
		<b>A07.801</b>

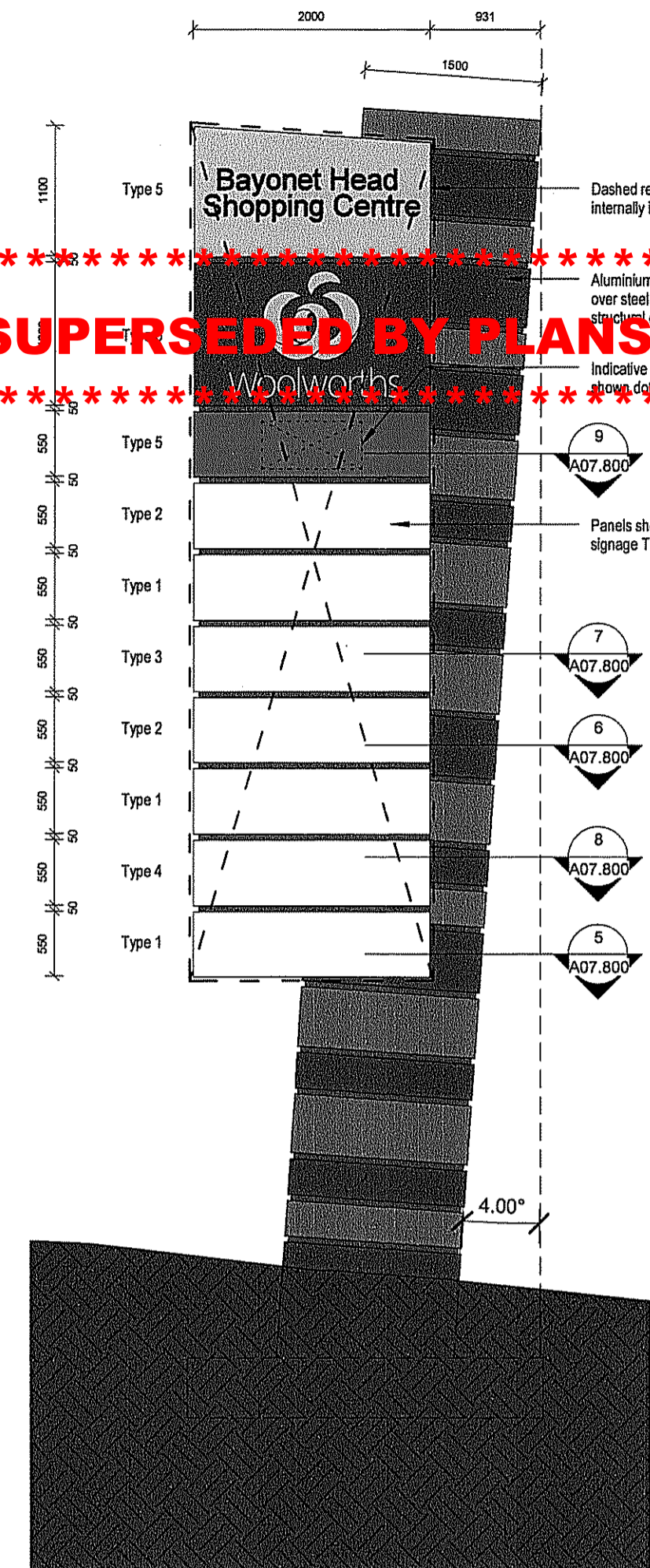
**Development Application**



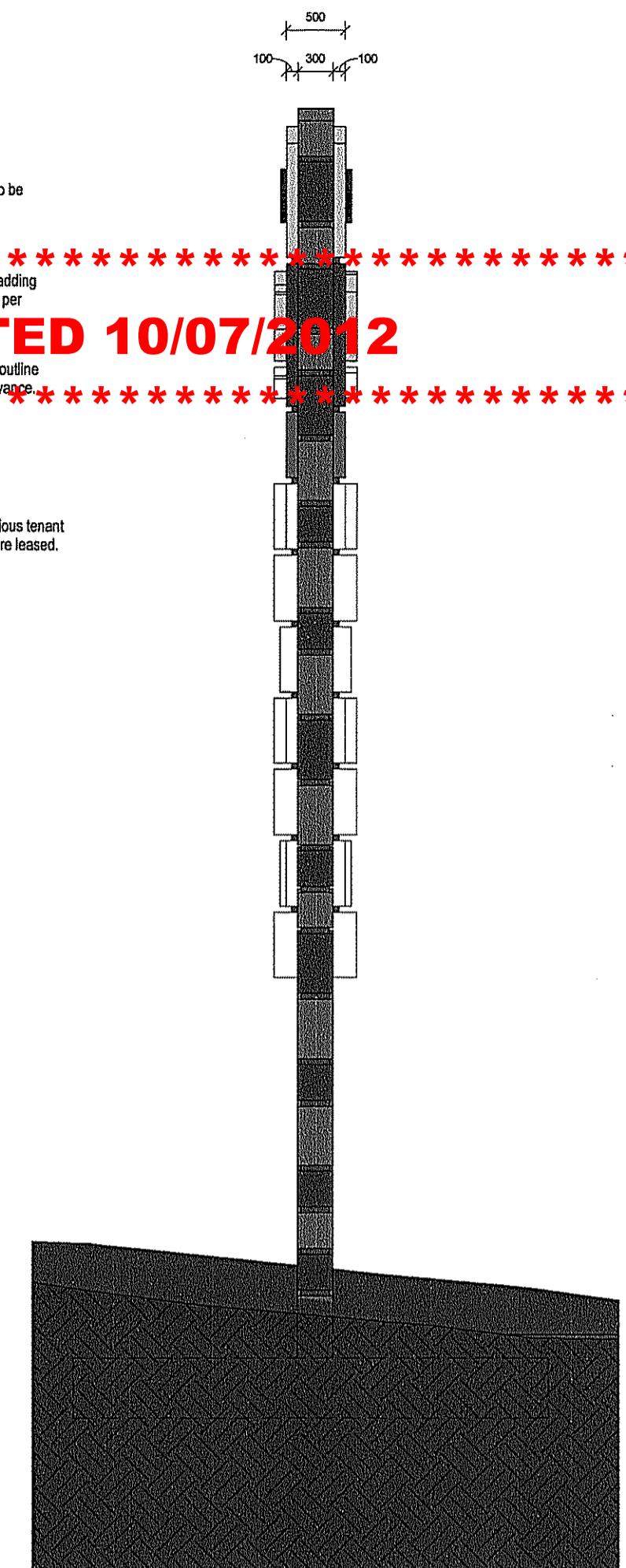
General Notes  
 1. Do not scale from drawings.  
 2. Check all levels relative to existing ground levels prior to proceeding.  
 3. The builder shall check all dimensions on site prior to commencing any shop drawings or construction and all discrepancies are to be brought to the attention of the supervisor.  
 4. The designer reserves the right to alter dimensions on site to suit construction, engineering or site conditions as required.  
 5. These drawings are the sole property of the designer and may not be reproduced or modified in whole or part without full written permission.



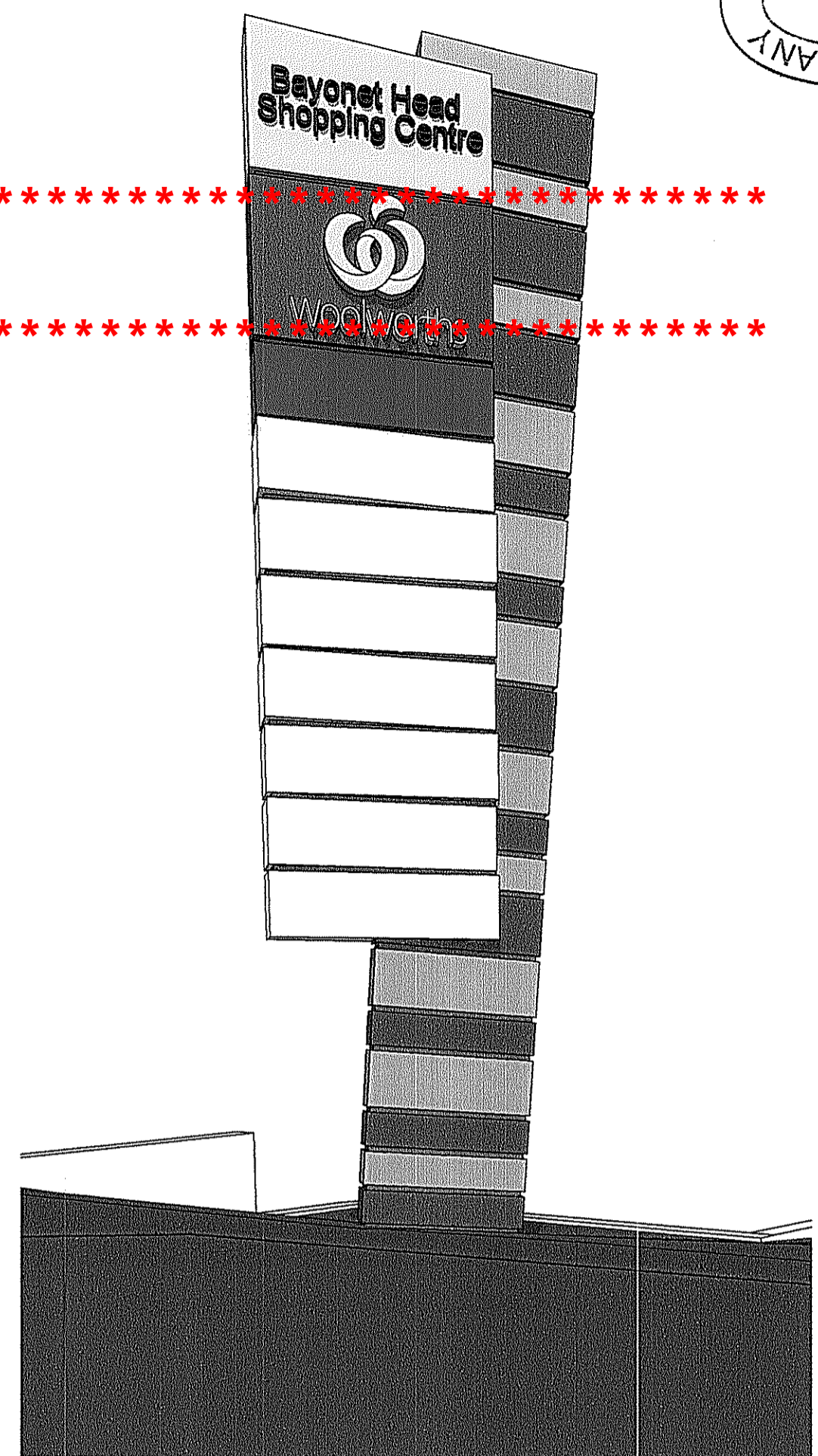
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1:50



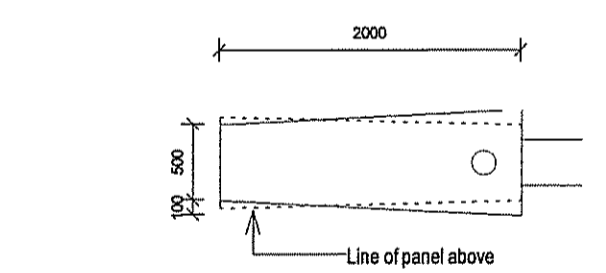
2 Monolith 01 Front  
1:50



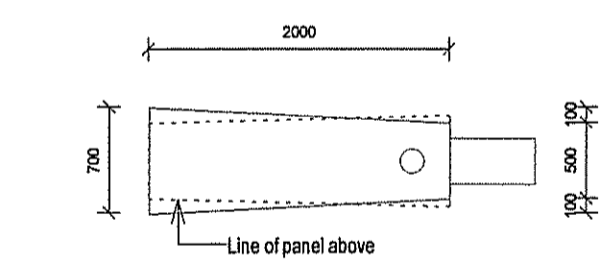
3 Monolith 01 Right  
1:50



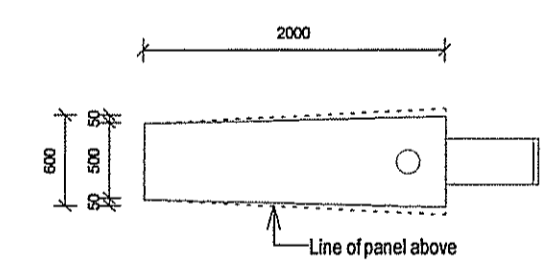
4 Monolith 01 perspective



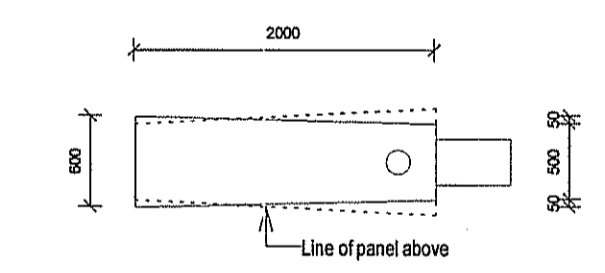
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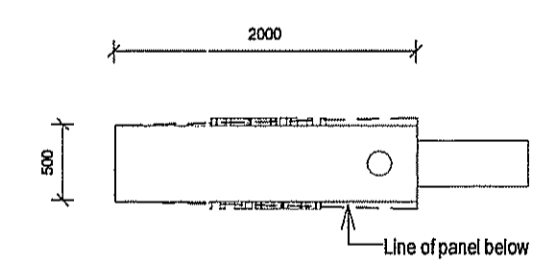
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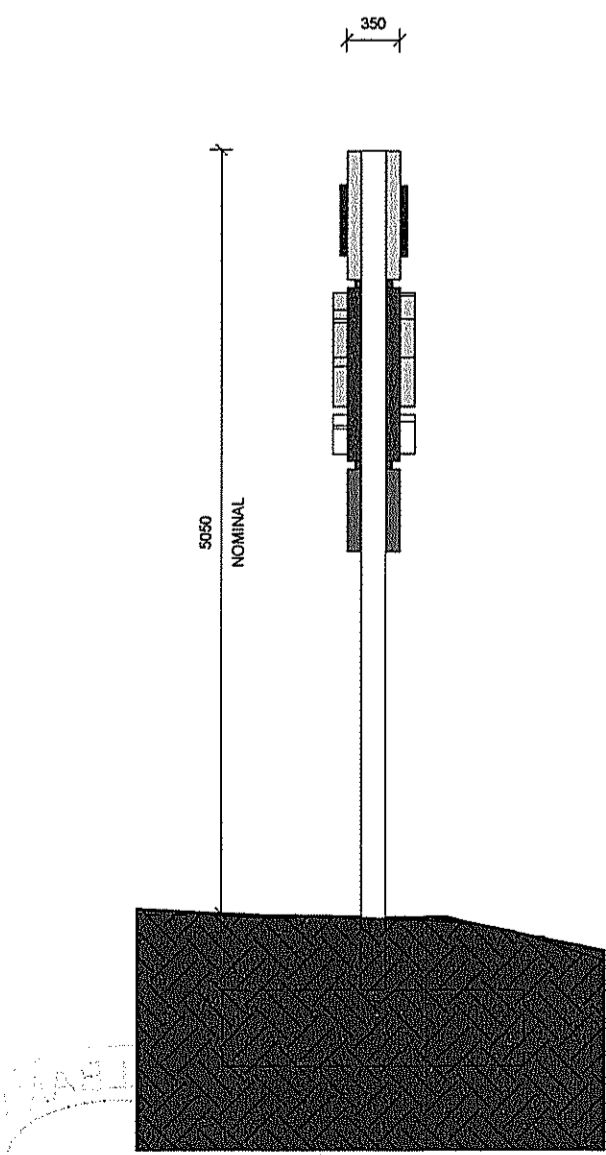
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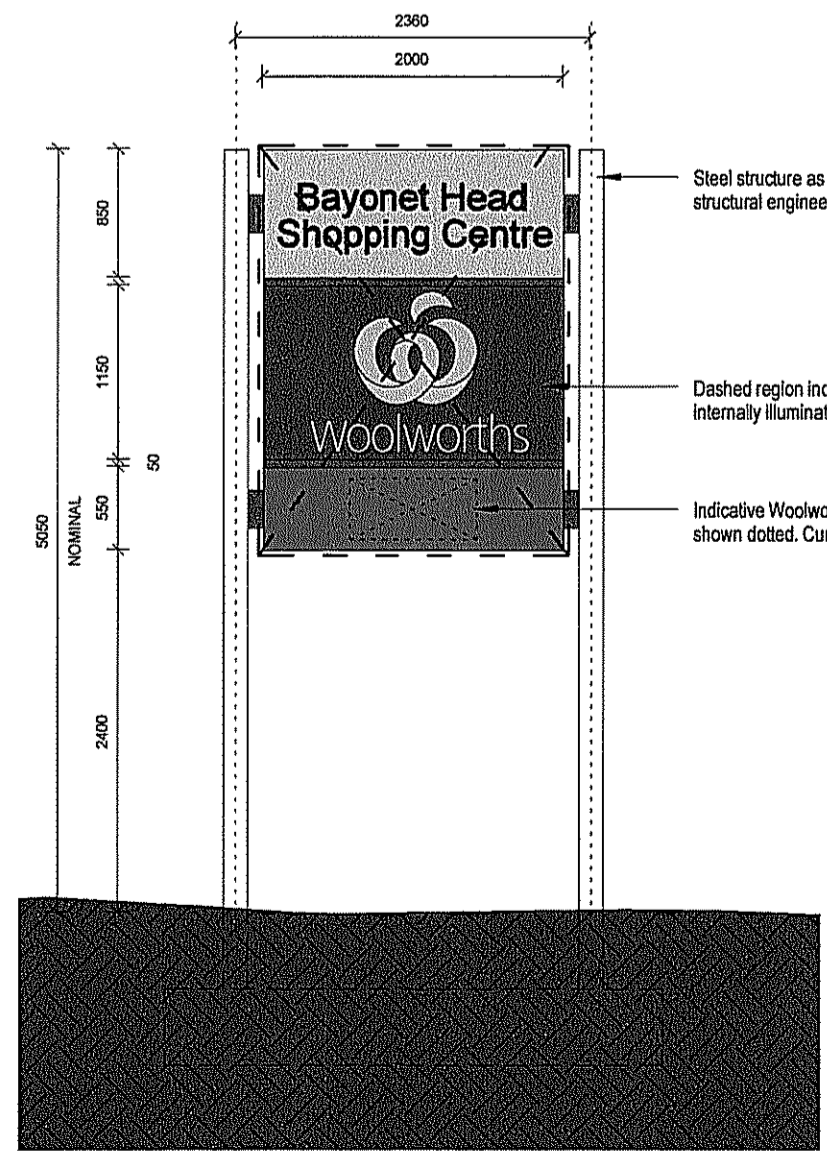
8 Panel Type 4 Plan  
A07.800 1:50



9 Panel Type 5 Plan  
A07.800 1:50



11 Pylon 02 Right  
1:50



10 Pylon 02 Front  
1:50



12 Pylon 02 Left  
1:50



13 Pylon 02 perspective

Rev.	Date	Amendment
3	12.05.29	Signage Planning Application
2	12.04.20	Pylon 02 design revised
1	16.03.11	Contract Issue
A	08.04.11	Revised Pylon Signage & Colours

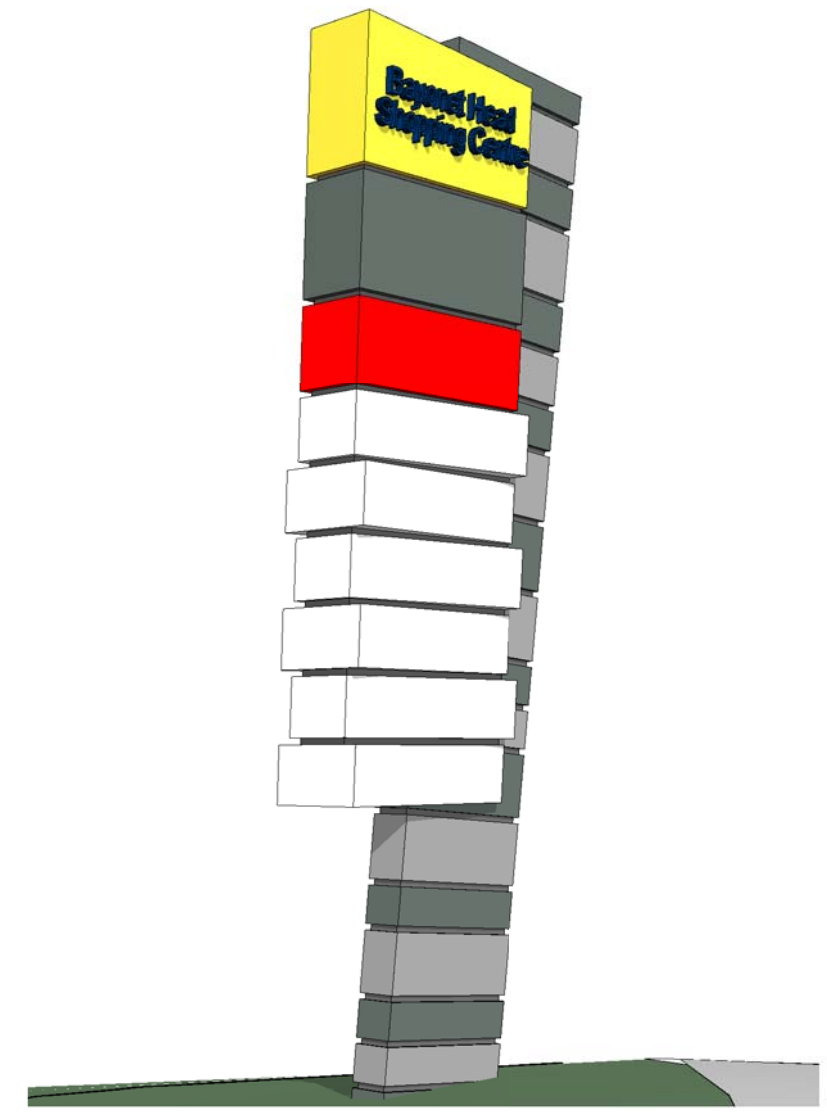
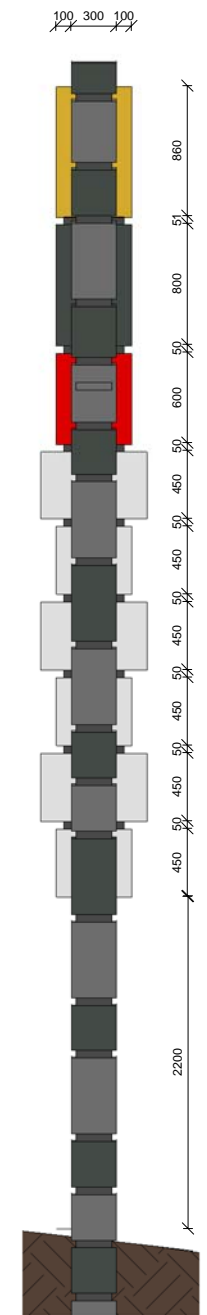
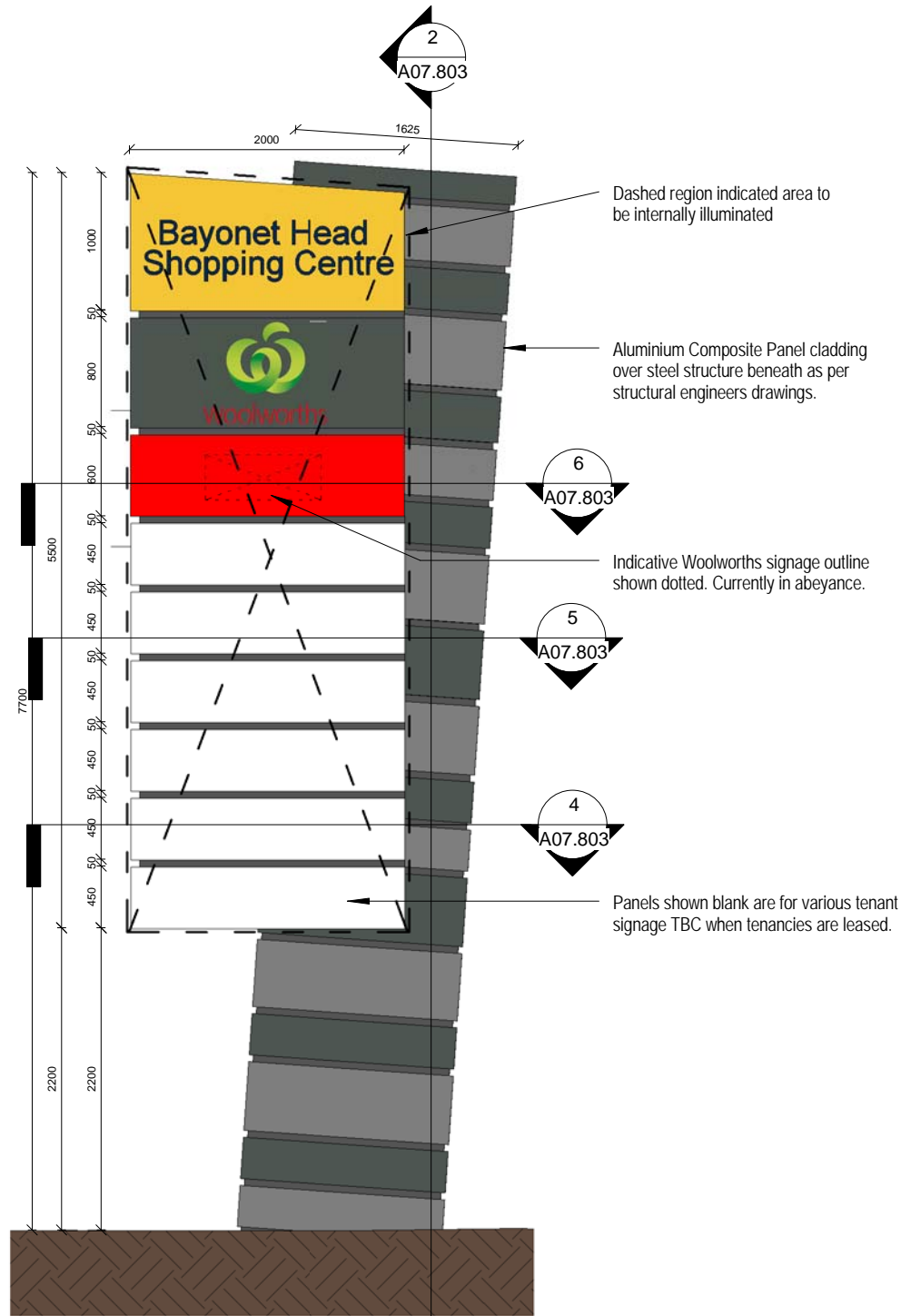
Architect: **formworks** architecture  
 19 Jewell Parade  
 North Fremantle, WA 6150  
 Postal Address:  
 PO Box 291, North Fremantle  
 WA 6159  
 Phone (618) 9335 6220  
 Fax (618) 9335 5281

Client: **Cuscuna Nominees PTY LTD**  
 Project: **Bayonet Head Shopping Centre**  
 Lot 508, Lower King Road, Bayonet Head.

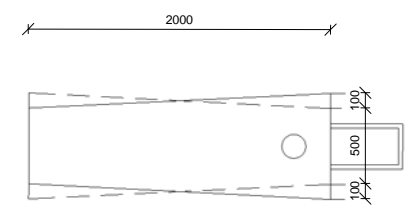
Title: **Pylon Signage**

Drawn	AL	Scale	1:100
Date	08/04/11		
Scale	1:50	Drawing No.	Rev.
Job No.	581	<b>A07.800</b>	<b>3</b>

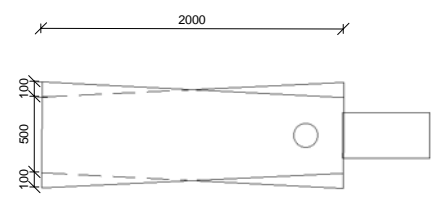




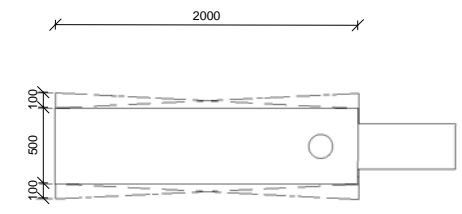
**1** Monolith 1 Front  
1 : 50



**2** Monolith 1 Section  
A07.803 1 : 50



**3** Monolith 1 Perspective  
1 : 50



**4** Panel Type - 1 Plan  
A07.803 1 : 50

**5** Panel Type - 2 Plan  
A07.803 1 : 50

**6** Panel Type - 3 Plan  
A07.803 1 : 50

10/07/2012 10:18:30 AM C:\Users\lax\Documents\581\_Bayonet Head Shopping\_Central\_2011\_greg.rvt

**2.7: FINAL ADOPTION OF AMENDMENT – LOT 72 STRANMORE BOULEVARD & LOTS 70, 73 AND PT LOT 9004 LOWER KING ROAD, BAYONET HEAD**

- Land Description** : Lot 72 Stranmore Boulevard, Portion of Lot 42 (Lot 70) and 73 Lower King Road and portion of Lot 9004 on the corner of Stranmore Boulevard and Lower King Road
- Proponent** : CLE (Chappell Lambert Everett)Town Planning and Design
- Owner/s** : The Housing Authority and Lowe Pty Ltd and Great Southern Community Housing Association Inc.
- Business Entity Name** : The Housing Authority and Lowe Pty Ltd and Great Southern Community Housing Association Inc
- Director/s** : Faye Lorraine Heath  
: Colin Reginald Heath  
: Naomi Kathryn Newman, Quinlivan
- Attachment** : Comments on Submissions from CLE and Schedule of Submissions
- Councillor Workstation** : Amendment Document (AMD312)
- Responsible Officer** : Executive Director Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- The proposal is to rezone the Bayonet Head North (Oyster Harbour) Neighbourhood Centre from “Residential Development” to “Local Shopping”, identifying additional uses applicable to this land and increase the floor space allocation to 4000m<sup>2</sup>.

**ITEM 2.7: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2)* of the *Town Planning Regulations 1967* **FINALLY ADOPTS WITH out MODIFICATIONS** Amendment No.312 to Town Planning Scheme No. 3 for the purpose of:
  - 1) Rezoning the Bayonet Head North (Oyster Harbour) Neighbourhood Centre site on Lot 72 Stranmore Boulevard, portion of Lot 42 (to be referred to as Lot 70) and 73 Lower King Road and portion of Lot 9004 on the corner of Stranmore Boulevard and Lower King Road from ‘Residential Development’ to ‘Local Shopping’, applying an Additional Use ‘A13’ designation to the site and amending the Scheme Map accordingly; and
  - 2) Modifying Schedule II – Additional Use Sites to make residential and child care centre uses permissible (additional) uses within the Centre.
  - 3) To modify Table II – Local Shopping to increase the retail floor space provision for the Bayonet Head – North (Oyster Harbour) Neighbourhood Centre to 4,000m<sup>2</sup>.

**BACKGROUND**

1. Amendment 311 proposes to amend Town Planning Scheme (TPS) No. 3 by;
  - i. Rezoning the Bayonet Head North (Oyster Harbour) Neighbourhood Centre site on Lot 72 Stranmore Boulevard, portion of Lot 42 (to be referred to as Lot 70) and 73 Lower King Road and portion of Lot 9004 on the corner of Stranmore Boulevard and Lower King Road from ‘Residential Development’ to ‘Local Shopping’, applying an Additional Use ‘A13’ designation to the site and amending the Scheme Map accordingly; and
  - ii. Modifying Schedule II – Additional Use Sites to make residential and child care centre uses permissible (additional) uses within the Centre.
  - iii. To modify Table II – Local Shopping to increase the retail floor space provision for the Bayonet Head – North (Oyster Harbour) Neighbourhood Centre to 4,000m<sup>2</sup>.
2. The site forms part of the Interim Bayonet Head Outline Development Plan (ODP) area defined in the Town Planning Scheme. The Interim ODP was advertised and adopted by Council and the Western Australian Planning Commission in 2007, and remains in force.



3. The Interim ODP identifies the location for a mixed use local / village centre on Lower King Drive, on the central access point into the estate (Stranmore Boulevard).
4. The rezoning of the site to 'Local Shopping' is proposed, to allow for the appropriate range of land uses. These will also include several additional uses, namely residential dwellings and a child care centre.
5. An increase of the maximum retail floor space of the centre up to 4,000m<sup>2</sup> is also proposed.

## **DISCUSSION**

6. The location, form and general role of the activity node / centre has been defined by the City's Activity Centres Strategy and the Bayonet Head Interim ODP.
7. The activity node is to incorporate a range of local retail and commercial uses as well as residential units in a traditional 'main street' format.
8. The City's Commercial Strategy Review in 2000 confirmed demand for a centre in this location and resulted in the inclusion of provision for a centre with up to 600m<sup>2</sup> retail floor space in Table II of the TPS No. 3.
9. The ideal size and hierarchical designation (local or neighbourhood) of the centre was initially uncertain and dependant on the completion of the 2009 review of the City's commercial strategy.
10. The review of the Commercial Strategy by Shrapnel Planning in 2009 recommended that the retail floor space cap for this centre be increased. Council made some modifications to the recommendations of this study and adopted the strategy that provided for development of up to 3,500m<sup>2</sup> of retail to cater for a 'medium' scale Neighbourhood Centre (refer Figure 6 – Activity Centres Planning Strategy 2009).
11. The scale of the Centre is defined by the City's Activity Centres Strategy with the minor variation to retail floor space proposed by this Amendment supported by the author of the Strategy (Shrapnel Planning).
12. The layout and makeup of the Centre is defined by the Detailed Area Plan for the Centre and associated Design Guidelines which will govern the form of future development.
13. The Detailed Area Plan for the Centre also specifies land use permissibility, although the support of the scheme (through this amendment) is still required.
14. The purpose of this Scheme Amendment is to put in place an appropriate zoning to facilitate its implementation, with 'Local Shopping' being deemed most suitable.
15. The amendment also proposes a residential / mixed use component via Additional Use provisions. This will enable the centre to develop as a genuine mixed use node. These land use provisions are already anticipated in the approved Detailed Area Plan.

16. The proposal to increase the maximum retail floor space of the centre up to 4,000m<sup>2</sup> is consistent with direction of the City's Activity Centres Strategy.
17. The proposed variation to increase potential retail space to 4,000m<sup>2</sup> will allow for additional flexibility in the development of the centre, enabling the inclusion of a smaller scale supermarket and a limited range of specialty stores, in addition to non-retail commercial uses such as offices and child care.
18. An increase of this order (a 12.5% variation to the policy) should not have a significant impact on commercial development elsewhere or undermine the principles of the City's Strategy.
19. Confirmation of this position is provided by Tony Shrapnel (refer appended Technical Note) who notes that in his 2009 review, he originally recommended a higher floor space cap for this centre, and that he believes it can reasonably accommodate 4000m<sup>2</sup> without detriment to the City's objectives or Strategy.
20. The scheme amendment is proposed to align the zoning of the Bayonet Head North (Oyster Harbour) Neighbourhood Centre with the direction of the City's Activity Centres Strategy, the Approved Bayonet Head Interim Outline Development Plan and the Detailed Area Plan for the centre.
21. It is recommended that the amendment be initiated without modification.

#### **GOVERNMENT CONSULTATION**

22. The Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed and provided some advice
23. The amendment was referred to WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Fire and Emergency Services Authority and Department of Indigenous Affairs for assessment and comment.
24. Responses were received from Telstra, Water Corporation, Western Power, Department of Water, Department of Indigenous Affairs and the Department of Environment and Conservation these submissions are summarised, discussed and accompanied by appropriate recommendations in the attached Schedule of Submissions.
25. No objections have been received, advice and recommendations have however been provided by the Department of Indigenous Affairs.

## **PUBLIC CONSULTATION / ENGAGEMENT**

26. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 3 May 2012 to 14 June 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in a local newspaper.
27. One submission was received from a member of the public that owns and is currently developing a neighbourhood centre at the intersection of Mercer Road and Lower King Road.
28. The submission objects to the amendment and raises a number of concerns relating to the interpretation of the Activity Centres planning Strategy (ACPS) contained in the report and some of the content.
29. The submission is included, in the attached Schedule of Submissions.
30. The applicants also provided comments on the Submissions received as Attached

## **STATUTORY IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

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

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

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

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

34. The proposal is considered to be consistent with Section 8.3.1 of the ALPS, as it:
- *is Providing for growth in urban areas,*
  - *Providing greater housing choice.*
  - *Potentially minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*

35. Section 8.5 Economic Strategy, sub Section 8.5.2 – **Commerce** sets the following Strategic Objective:

*“Promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern.” ; and*

*“Retain existing and develop new staged neighbourhood and local centres incorporating retailing as a primary focus.”*

The strategy further states;

*“...Neighbourhood centres (floor space of 3500 to 5000m<sup>2</sup> maximum net lettable area [NLA]) will continue to cater for convenience shopping based on a typical setup of a small supermarket with some small offices, local services and community facilities. The ALPS supports the existing centres at Lange, Yakamia and Spencer Park and the development of the planned centres at Orana and **Bayonet Head north** and south. These are shown as Neighbourhood Centres in Map 9B.”*

*Local centres will cater for smaller-scale convenience shopping in retail hubs up to 600m<sup>2</sup> NLA floor space. The ALPS supports the retention of existing centres at Touristville, Middleton Road/Middleton Beach, Emu Point, Lower King, Little Grove and Bayonet Head. These are shown as Local Centres in Map 9B. An additional local centre is provided for in the developing suburb of Big Grove.*

*These areas and their potential uses will be defined further in precinct and structure plans for each locality. Neighbourhood and local centres will be zoned in the LPS1 with their own objectives, uses and development standards.”*

36. The proposal is considered to be consistent with Section 8.5.2 of the ALPS, as it will facilitate the development of a Neighbourhood centre with retailing as a primary focus within the floor space limits set.

## POLICY IMPLICATIONS

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

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

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

The key policy objectives in SPP 3 are as follows:

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.”*

It is considered that the proposal will achieve the following objectives:

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.”*

**RISK IDENTIFICATION & MITIGATION**

39. There are no identifiable risks associated with this proposal as Council's decision will be forwarded to the Western Australian Planning Commission, with decision to approve the amendment resting with the Minister for Planning.

**FINANCIAL IMPLICATIONS**

40. The appropriate planning fee has been paid by the proponent. The proposal has been assessed by staff using in-house resources.

**LEGAL IMPLICATIONS**

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

**ALTERNATE OPTIONS**

43. Council has the following options in relation to this item, which are:
- To adopt the Scheme Amendment without modifications;
  - To adopt the Scheme Amendment with modifications; or
  - To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.

**SUMMARY CONCLUSION**

44. It is recommended that Council adopt Amendment No. 312 without modification, on the basis that rezoning of the land will align the zoning of the Bayonet Head North (Oyster Harbour) Neighbourhood Centre with the direction already established by the City's Activity Centres Strategy, the Approved Bayonet Head Interim Outline Development Plan and the Detailed Area Plan for the centre. The Increase of the centre's NLA to 4000m<sup>2</sup> can be accommodated without detriment to the City's objectives or Activities Centre Strategy.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	AMD312 (Kalgan Ward)
<b>Previous References</b>	



Our Reference: 2036Ltr109  
 Enquiries: Phillida Rodic

10 July 2012

City of Albany  
 PO Box 484  
 ALBANY WA 6331

**Attention: Jan van der Mescht**

Dear Jan,

**RE: AMENDMENT 312 to TOWN PLANNING SCHEME No. 3 – OYSTER HARBOUR VILLAGE CENTRE – RESPONSE TO SUBMISSION**

Thank you for your email of 9 July inviting our (brief) input on submissions received on the rezoning proposal for the Oyster Harbour Village Centre. We offer the following comments:

#### **CUSCUNA SUBMISSION**

This submission objects to the rezoning of the basis of conflict with the City's Activity Centres Planning Strategy but with the apparent primary concern of potential competition with a Neighbour Centre being developed down the road by the objector. The submission shows a lack of comprehension of the planning process. Key points of response are that:

- The Residential Development zone currently in place is a generic one available to facilitate masterplanned development. It does not, however, cater for development of centres and so now that an Outline Development Plan is in place for this portion of the Oyster Harbour Estate prescribing the location of the village centre, it is entirely appropriate to replace the Residential Development zone with one which reflects the agreed ODP.
- The City's Activity Centre's Strategy nominates the Oyster Harbour centre as a 'Medium Neighbourhood Centre'. Its currently adopted maximum size is 3,500m<sup>2</sup> retail floorspace. The requested increase to a maximum of 4,000m<sup>2</sup> is, in the scheme of things, quite small, and will have little affect on its role, or the centre hierarchy. As such, it represents no significant change to the direction of the Strategy.
- Added to this, the 3,500m<sup>2</sup> Council adopted in its Strategy does not actually reflect the modelled potential of the centre, with the City's consultant confirming that he has consistently maintained that it has potential to develop to 5,000m<sup>2</sup> retail floorspace, and that this recommendation stands, even with the development of the Bayonet Head South Centre (owned, we understand, by the objector) as a Large Neighbourhood Centre. To quote the consultant: *In my opinion, Bayonet Head North should definitely still remain designated as a Large Neighbourhood Centre cause, in the longer term, it has the potential to become that, even if Bayonet Head South is developed as a larger centre...* The City's consultant has expressed this position on a number of occasions, including during the formulation of the current strategy, and so cannot be thought to be compromised in expressing the view again.
- The provision of retail floorspace limits in planning strategies occurs to ensure that the development of a network of centres is feasible, to aid public accessibility to services.

Its role in protecting one centre against competition from another only applies in so far as to avoid one centre significantly undermining another and therefore impacting on public access to services. If the long term potential exists for two centres in Bayonet Head, then it is entirely appropriate to make statutory provision for these, and to allow their actual development to be determined by the market.

- The focus on retail floorspace reflects the direction set by the State and Local Government planning framework which control the scale of centres through this land use set. Other uses are, of course, anticipated in most centres to complement the retailing, but are not subject to the same floorspace limitations. The intention to develop a mixed use centre including office, commercial and residential land uses in Oyster Harbour has been long documented.
- The City's Activity Centre Strategy quite appropriately takes a long term view (strategic planning requires this) and therefore full development of the centre to its maximum size may take years to occur, particularly given that the southern centre is under development now. However the establishment of a statutory planning framework to allow development to evolve as demand grows is appropriate.

We could respond further to the detailed comments made in the submission, but understand that you prefer only a brief response, focusing on key issues.

**DEPT OF INDIGENOUS AFFAIRS SUBMISSION**

- The advice of the Department is noted;
- We confirm that the proposal is a rezoning, not a subdivision;
- We attach for your information a copy of the s18 Clearance obtained for the site;
- We acknowledge the owners obligations in relation to the Aboriginal Heritage Act.

We hope that this information is of assistance. Should you have any further queries, please do not hesitate to contact Phillida Rodic of this office on 9382 1233.

Yours sincerely



**Tony Lambert**  
**Director**  
**CLE Town Planning + Design**

Enc: S18 Clearance

cc: Brian Newman – Heath Development





MINISTER FOR HOUSING AND WORKS; HERITAGE; INDIGENOUS AFFAIRS; LAND INFORMATION

Our Ref: 11-9988

Mr Brian Newman  
Lowe Pty Ltd (Heath Development Company)  
PO Box 381  
COTTESLOE WA 6911

Dear Mr Newman

**Introduction**

I refer to the Notice dated 7 March 2007 (received by the Department of Indigenous Affairs on 9 March 2007) submitted by Lowe Pty Ltd, acting on behalf all listed Landowners to the Aboriginal Cultural Material Committee ("ACMC") pursuant to section 18(2) of the *Aboriginal Heritage Act 1972* ("AHA").

The Notice advised that you require to use the land described in Schedule 1 of the Notice as Lots 1000 and 1001 Lower King Road; Lots 47, 42 and 43 Lower King Rd; Lot 1, Jason Road; Lots 3 and 500, Alison Parade; and Lot 40, Elizabeth Street ("the Land"), for the purpose described in Schedule 2 of the Notice as residential subdivision to create 2300 lots covering approximately 200 hectares and developing all infrastructure including roads, sewer, water, stormwater, electricity and telecommunications ("the Purpose").

In accordance with my powers under section 18(3) of the AHA and following consideration of recommendations from the ACMC, I hereby grant consent to the use of the Land for the Purpose.

I am advised that based on current knowledge the Purpose will impact upon no Aboriginal sites within the meaning of section 5 of the AHA on the Land.

If you have any queries in relation to your application, please contact Susan Allia, DIA Heritage Assessment Officer, on telephone 9235 8112.

Yours sincerely

**HON MICHELLE ROBERTS MLA  
MINISTER FOR INDIGENOUS AFFAIRS**

27 JUN 2007

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
 AMENDMENT No. 309  
 SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	<p>the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) but nevertheless provides the following advice and recommendations.</p> <p><b>ADVICE AND RECOMMENDATIONS</b></p> <p>1. Environmental Issues</p> <ul style="list-style-type: none"> <li>• Aboriginal Heritage</li> </ul> <p>2. Advice and recommendations regarding Environmental Issues Aboriginal Heritage</p> <p>The EPA is aware that the Aboriginal Heritage Site exists within the scheme Amendment area: Site 22554 Alfred Knapp's Seasonal Camp. In order to develop the subject area, the developer may need to apply for consent from the Minister for Indigenous Affairs under section 18 of the <i>Aboriginal Heritage Act 1972</i>. The Department of Indigenous Affairs should be contacted regarding the developers obligations under this Act.</p>	Nil.	The submission is noted.
2	Telstra – Forecasting & Area Planning – South	No objections.	Nil.	The submission is noted.

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.7 REFERS

## AMENDMENT No. 309

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
	Western Access Team Manager – Forecasting Network & Technology Locked Bag 2525 PERTH WA 6001			
4	Water Corporation PO Box 915 ALBANY WA 6331	No objections.	Nil.	The submission is noted.
5	Western Power Locked Bag 2520 PERTH WA 6001	No objections. However, there are overhead powerlines and/or underground cables adjacent to, or traversing, the subject land.	Nil.	The submission is noted.
6	Department of Water PO Box 525 ALBANY WA 6331	No objections.	Nil.	The submission is noted.
7	Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330	No objections.	Nil.	The submission is noted.

## AMENDMENT No. 309

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
8	Department of Indigenous Affairs  Southern Regional Office - Albany 129 Aberdeen Street, Albany, Western Australia 6330 P.O. Box 5091 Albany Western Australia 6330	<p>The Department of Indigenous Affairs has no comment to the Amendment other than to say that the area is known to be sensitive to the Aboriginal community and every precaution should be undertaken when site works occur. If in the process of the site being cleared evidence of Aboriginal heritage and culture is discovered please contact this office as soon as possible for further advice.</p> <p>Further to this the subdivision is near a number of Aboriginal Heritage sites and the proponent will need to refer to the Cultural Heritage Due Diligence Guidelines available on the DIA website at:  <a href="http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AHADueDiligenceGuidelines.pdf?epslanguage=en">http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AHADueDiligenceGuidelines.pdf?epslanguage=en</a></p> <p>The proponent will need to determine the level of risk using the Heritage Assessment Guide matrix towards the end of this document. The level of activity and the existence of a registered site are the reference points for making this determination. The information provided suggests you have addressed these issues but the person seeking to use the land in question should be referred to the Cultural Heritage Due Diligence Guidelines to make their own</p>	<p>The Proponents have been advised of the submission. They have confirmed that they note the comments of the submission, they have also provided a copy of the s 18 clearance certificate and further acknowledge their obligations in relation to the Aboriginal Heritage Act.(as per the attached response dated 10 July 2012)</p>	

## AMENDMENT No. 309

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		assessment of the risk of breaching the Aboriginal Heritage Act 1972.		
11	Cuscuna Nominees Pty Ltd. 93 Paramatta Road, Doubleview Wa 6018 Po Box 58, Innaloo WA 6918	<p>Objects to the proposed rezoning for the following reasons;</p> <ol style="list-style-type: none"> <li>1. The proposal is not in accordance with the City's endorsed Activity Centres Planning Strategy (ACPS) viz. Section 6.5.1 (that is, max size of up to 3,500m2)</li> <li>2. The proposals does not take into account the ACPS consultant's comments included in section 6.5.6 and 6.5.7 of the ACPS viz. "However timing of the development of this centre could affect the development potential and timing of Bayonet Head South centre, and vice versa.</li> <li>3. The proposals does not take into account the ACPS consultant's comments included in section comments at Section 6.10 "Each centre's calculated potential will to some extent be affected by the development of other nearby centres. For example, if Bayonet Head South does not develop further, then the Floorspace potential of Bayonet Head North will increase.</li> </ol>	<p>The ACPS includes the following pertinent sections; [ Note emphasis added and <i>numbering added for reference purposes</i>]</p> <p>Section 4 FUTURE FLOORSPACE DEMAND as follows "... [1.] it is a specific objective of this ACPS <b>not to artificially limit the overall quantity of retail or other commercial floorspace</b> in Albany. Rather, the intention is, where possible, to guide future development into appropriate locations and (if necessary in order to achieve wider planning objectives) timeframes. [2, 3, 4 and 5] It is therefore intended that the market will, for the most part, determine the overall supply and distribution of retail and other commercial floorspace within the framework of a defined hierarchy of activity centres..."</p> <p>and</p> <p><b>5.4 Neighbourhood Centres</b> "...future potential for the neighbourhood/ local centres. This potential needs to be seen as a</p>	The submission is noted.

## AMENDMENT No. 309

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>". Similarly, the reverse is also true given the current development of Bayonet Head South.</p> <p>4. The proposals do not take into account the significant. Existing Local Shopping area at the corner of Lower King Road and Bayonet Head Road, Bayonet Head?</p> <p>5. The proposals do not take into account the significant retail shopping developments in the immediate area, that is, the approved Large Neighbourhood Centre as per the ACPS (of up to 5,000m<sup>2</sup>) that is currently under construction at 208 Lower King Road, Bayonet Head - at the junction of Mercer Road.</p> <p>6. The proposed increase in retail floor space to 4,000m<sup>2</sup> has not been adequately justified in light of current retail shopping developments in the immediate area, that is, the Bayonet Head Shopping Centre that has been under construction at 208 Lower King Road, Bayonet Head for approximately six (6) months and is due to open in December 2012.</p>	<p><b><i>medium to longer term potential.</i></b>  Provided the sites are maintained, and the major elements of this Strategy are implemented, the appropriate [2, 3, 4 and 5] <b>timing of future neighbourhood centres can be Confidently left to the market.</b> In the meantime, the Albany population will certainly not be deprived of conveniently located retail floorspace.”</p> <p><b>“ 6.5 Neighbourhood Centres  6.5.1 Key Strategic Objective</b></p> <p>“...The main strategy for neighbourhood centres, therefore is:</p> <ul style="list-style-type: none"> <li>• To retain the neighbourhood centre sites designated as such on the Strategy Map through zoning and/ or up-to-date structure planning.</li> <li>• To efficiently facilitate the development of the neighbourhood centre sites when the property and retail markets determine the right time to develop (some estimates for this timing are provided below).</li> <li>• To encourage owners of these sites to prepare and maintain</li> </ul>	

AMENDMENT No. 309

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>7. The report accompanying Scheme Amendment 312 states that "A residential unit complex has. however, recently been completed on Lot 73, on the northern boundary of the centre area." Further it stated that 44 The site is currently zoned 'Residential Development'. It was rezoned from 'Rural ' in 2007 via Amendment 242 ... "</p> <p>Therefore, given this site was the subject of such a recent rezoning we consider that it is inappropriate for another rezoning to be endorsed by the City Further, we consider that it is totally inappropriate to rezone a completed residential complex (Lot 73) to 'Local Shopping This latter rezoning proposal is definitely not in accordance with the intent of the ACPS Where will this rezoning stop? Does the City plan to rezone the rest of the Oyster Harbour residential estate in the same way in the future.</p> <p>8. We consider that it was totally inappropriate for the City to seek "some advice in relation to the development potential of the proposed neighbourhood centre known as 'Bayonet Head North ' ... " from Shrapnel Urban Planning</p>	<p>the sites in a commercially responsible manner likely to be attractive to potential developers and key retail operators.</p> <ul style="list-style-type: none"> <li>• [ 7] Facilitate and encourage development of the neighbourhood centres as mixed-use activity centres, rather than just shopping centres, containing an appropriate amount of non-retail commercial floorspace, as well as (where practicable) some residential units either within, or in the immediate vicinity of each centre.</li> <li>• [7] Where practicable, within a 200 metre radius of neighbourhood centres, facilitate increased residential density of at least R30, preferably R40. This will further enhance the commercial potential of these centres...</li> </ul> <p>“ 6.9 Development of Activity Centres It is important to note that just because a neighbourhood centre can potentially be as large as 3,500 sqm or 5,000 sqm, or a local centre as large as 600 sqm, it does not</p>	

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## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>during 2011 without providing them with the complete details of our approved project's planning and building licence status at that time (see Shrapnel letter dated 15 December 2011 which is referred to in the Amendment report as a 'Technical Note').</p> <p>9. We consider that this action by the City's officers has effectively resulted in Shrapnel compromising their independence and position in regard to their 2009 ACPS which the City's officers knew from November time was the subject of key administrative errors and resultant bias against our site - listed as 'Bayonet Head South' in the ACPS. [NB. See enclosed copies of our letters to the City dated 13 &amp; 26 November 2009.]</p> <p>10. We have consistently maintained that the ACPS background information and analysis in respect to our site was significantly flawed due to key administrative errors and omissions by the City. Therefore, the potential of our site (Bayonet Head South) was understated by Shrapnel (and the potential of the Bayonet Head North site was exaggerated as</p>	<p>automatically follow that all centres will be viable at the size limits permitted under the proposed hierarchy of centres. It is a well established fact that in Albany neighbourhood and local centres are not developed simply because such development is permitted.</p> <p>Rather, the situation is that individual developers assess the market potential of their centres, and develop them only when such development is considered to be feasible.</p> <p>Furthermore, the size and timing of a permitted centre's development in turn influences the feasibility of other centre development, both in terms of size and timing. In this way, the market will continue to determine the actual outcome of neighbourhood/ local centre development in Albany, albeit within the defined hierarchical framework.</p> <p>For this reason, the upper limits on the neighbourhood and local centres form part of the strategic framework only – they are not necessarily the outcomes that will be achieved. Indeed, it is anticipated that not all neighbourhood and local centres will</p>	



## AMENDMENT No. 309

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>a result).</p> <p>11. The proposal to the Minister for Planning &amp; Infrastructure to 'AMEND A TOWN PLANNING SCHEME at item 5 on Page 5 (sub-point 3) is clearly misleading and not in accordance with the City's endorsed ACPS. As a result, this sub-point appears to be baseless and unable to be substantiated because it seeks to justify the proposed increase to the retail floorspace provision to 4,000m<sup>2</sup> by stating that this increase "is in general accord with the City of Albany's Activity Centres Planning Strategy 2009" when the ACPS says nothing of the sort (as detailed in our submission as per items No.1, 2 &amp; 3 above).</p> <p>12. The report also incorrectly states that an increase in floor space is permitted by the ACPS and that this increase is "supported by retail analysis" (see page 7). however, no such analysis I evidence has been provided in the Amendment report.</p> <p>13. The report states that the purpose of this scheme Amendment is simply to put in place an appropriate zoning to</p>	<p>develop to the maximum potential allowed under this strategy.</p> <p>The aim of this ACPS is simply to ensure that this dynamic and essentially unpredictable development occurs within the hierarchical strategic framework that has been established."</p> <p><i>[numbering added for reference purposes]</i>.</p> <p>The Proposal is generally in accordance with the Activity Centres planning Strategy and the main strategy for neighbourhood centres.</p> <p>The centres modelling for the 2 centres in section 6.10 Centres Modelling shows a similar projected potential for 2016 with the potential for Bayonet Head North increasing in later years to 2026. This modelling therefore strategically supports an increase in Maximum floor area of 5000m<sup>2</sup>.</p> <p>Formal Advice was requested on the Strategic development potential of the proposed neighbourhood centre from Shrapnel Urban Planning during 2011 the Author of the ACPS. Who confirmed that Both these centres can</p>	

## AMENDMENT No. 309

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>facilitate it if implementation. with 'Local Shopping' being deemed most suitable. Slight variation to this to enable inclusion of a residential / mixed use component via Additional Use provisions is proposed ... " (see page 9) The report then goes on to talk about increasing the maximum retail floor space up to 4,000m<sup>2</sup>, however, it is very unclear whether this total will include all the proposed (and contradictory) residential and non retail commercial uses such as Offices and child care etc? What will the maximum total retail and non-retail floorspace area actually be?</p> <p>We are also concerned that such a significant TPS3 Scheme Amendment is being proposed at the same time as the City has advertised its new Draft Local Planning Scheme No.1 (LPS1.) Which will replace the current TPS3 and other existing town planning schemes?</p> <p>We trust that our detailed submission in respect to the proposed TPS3 Scheme Amendment 312 will receive the appropriate consideration from the City and Council representatives before the full Council deliberates on</p>	<p>be considered as Large Neighbourhood centres with a maximum floor space of 5000m<sup>2</sup>.</p> <p>A 500m<sup>2</sup> increase in maximum floor space from 3500 m<sup>2</sup> to 4000 m<sup>2</sup> in the context of a neighbourhood shopping centre is not considered significant enough to detrimentally affect the long-term outcomes of the strategy the economic viability of any surrounding Activity centres.</p> <p>The Moratorium on Scheme amendments as per Item 2.2 of OCM 21/02/12 amendments Excludes this amendment.</p> <p>LPS1 will be modified if required in accordance with the outcome of this amendment.</p>	

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.7 REFERS

**AMENDMENT No. 309**

**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address Submitter</b>	<b>of</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>
			this inappropriate, ill considered and premature rezoning proposal.		

**2.8: DRAINAGE INFRASTRUCTURE DEVELOPMENT (LIVING STREAM)**

- Land Description** : Lot 1003 Plan 149445 Reserve 20788 Lockyer Avenue, Centennial Park and Lot 4 on Deposited Plan 202456 North Road, Albany
- Proponent** : City of Albany Projects Team
- Owner** : City of Albany
- Business Entity Name** : Not applicable.
- Attachments** : Copy of site plans, proposed works, Flora Survey and Vegetation Assessment, Clearing Permit, Comment from Department of Water, Department of Environment and Conservation.
- Appendices** : Acid Sulfate Soils Management Plan, Centennial Park, Albany (Golder Associates Report No 127643009-004-R-Rev0).
- Councillor Workstation** : City of Albany Town Planning Scheme 1A.
- Responsible Officer(s)** : Executive Director Planning & Development Services (D Putland)

**Maps and Diagrams:**

Aboriginal Heritage Sites (DIA)



**IN BRIEF**

- The proposed works are a City of Albany project involving the restoration of an existing drain to a living stream drainage system.
- The works were started prior to obtaining planning scheme consent.
- Council decision is required for retrospective planning scheme consent.

**RECOMMENDATION**

**ITEM 2.8 RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ISSUE a Notice of Planning Scheme Consent for Drainage Infrastructure Development (Living Stream) subject to the following conditions:**

- i) **Design and construction of “living stream” to be in accordance with Department of Water guidelines;**

***ADVICE: It is recommended that the “Guidelines for Managing Risks in Recreational Water” document, from the National Health and Medical Research Council be followed.***

***It is strongly recommended that silt arrestors be used to minimise sediment and silt flow into the Yakamia Creek and Oyster Harbour during construction.***

- ii) **A suitably qualified engineer to certify the design drawings;**
- iii) **Monitoring and Reporting requirements as outlined in the Acid Sulfate Soil Management Plan (Golder Associates report number 127643009-004-R-Rev0) to be completed;**
- iv) **Management of the property being undertaken in such a manner as to prevent denudation, erosion or pollution of the environment;**
- v) **Clearing of the site to be in accordance with Clearing Permit issued 12 January 2012 (Area Permit Number 4739/1);**
- vi) **All landscaping and revegetation of the site to be in accordance with the restoration planting plan hereby approved and lodgement of a landscaping plan to the satisfaction of the City of Albany.**

***ADVICE: It is recommended that Department of Indigenous Affairs be kept informed of all works at the site. Please be aware of all responsibilities and obligations under the Aboriginal Heritage Act 1972.***

## **BACKGROUND**

1. A living stream is a retrofitted stormwater conveyance channel that mimics the characteristics of a natural stream capable of safely conveying large flows. The ultimate aim is to create an attractive feature for passive recreation that will also encourage diverse habitat and restore environmental characteristics through native and indigenous plantings.
2. The objective of this proposal was to convert a severely degraded, weed bushland drain within the Centennial Park recreation and sporting precinct into a functioning ecosystem that serves as a haven for plants and animals as well as a place of reflection and learning for the people that visit. In addition to conveying storm water, the living stream system will also treat the stormwater using physical and biological processes, in the process creating diverse habitats for wildlife.
3. The project includes construction or modification of control weirs to control pond height, allowing water to enter a constructed stream reach that will incorporate pool and riffle sequences designed to incorporate a low flow channel, bankful profile and riparian bands. The stream reach will discharge into permanent pond/wetland areas that will overflow/outfall via a control weir into a headwall box culvert.
4. Riparian and associated local native vegetation will be restored over the reshaped stream bank and riparian band area. In addition, wetland species will be established to control bank and stream channel erosion.
5. The living stream project was undertaken by the City of Albany Major Projects team. As part of the preliminary design process, consultation took place with several Government Agencies and departments within the City of Albany.
6. A detailed Flora Survey and Vegetation Assessment was undertaken; restoration plans prepared; and an Acid Sulfate Management Plan prepared for the site.
7. After work had commenced on the site, it was noted that Planning Scheme Consent had not been granted.
8. Council's decision is required to grant retrospective Planning Scheme Consent.

## **DISCUSSION**

9. The subject site is approximately 1 hectare in size and is part of two lots, both of which are reserved under Town Planning Scheme 1A for Parks and Recreation. Any development on land reserved under the Scheme requires Planning Scheme Consent.
10. Retrospective Planning Scheme Consent can be granted, in accordance with the *Planning & Development Act 2005* and at the discretion of Council.
11. The works were allowed to continue, under direction of the Chief Executive Officer and the Director of Planning & Development Services, prior to granting of planning scheme consent rather than ordering work to stop. This was justified particularly in light of the storm events that took place in mid June. The development of the stream has proved effective in controlling the excessive runoff and it was deemed to be more responsible and beneficial to the community and ratepayers to continue at that time.
12. The proposal has been through a consultation process with various Government agencies, initiated by the Projects team prior to detailed restoration plans being prepared.

13. A detailed Flora survey and Vegetation Assessment was carried out and the site condition deemed to be 'Degraded' (*basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management...*). There were a total of 8 local native species found to be occurring within the site, while the majority of the site comprised introduced herbaceous and grass species, along with large weed species.
14. A clearing permit was obtained on 12 January 2012 to clear 0.25 hectares within the subject site for the purpose of drainage.
15. An Acid Sulfate Soils Management Plan (ASSMP) was prepared by Golder Associates Pty Ltd on behalf of the City of Albany in April 2012. The ASSMP was prepared to mitigate or control any potential impact relating to the disturbance of acid sulphate soils associated with the reshaping of the swales on-site. These swales are intended to improve the visual amenity of the site while increasing storage capacity. The report documents disturbances likely and provides management options and procedures to be adopted. A copy of this report is included in the Appendices attached to this Council Agenda.

### **GOVERNMENT CONSULTATION**

16. The application was forwarded to Department of Water, Department of Environment and Conservation and the Environmental Protection Authority for formal comment.
17. Department of Water (DOW) supports this project and the restoration of urban drains to waterways that provide multiple uses – conveyance of floodwaters, ecological function and passive recreation. The DOW is also undertaking drain restoration works on the Yakamia Creek and they anticipate that the living stream project will complement their work.
18. The Department of Environment and Conservation (DEC) supports the project and acknowledged that the City of Albany had provided them with the necessary Clearing Permit Decision Report, a Flora survey and Vegetation Assessment of the site and the restoration proposal.
19. The subject site is adjacent to Aboriginal Site 24418 – Yakamia Creek. The site has a status within the Aboriginal Sites Database of 'lodged', which means that it is yet to be finally determined whether there is a site in that location.
20. Correspondence has been received previously (in relation to drainage works at the corner of North Road and Sanford Road) from Department of Indigenous Affairs (DIA) stating the following: "*Given that the creek site has not been determined, and it is likely that the area of works has been previously disturbed, no heritage approvals will be required. However, in the event that during works Aboriginal cultural material or skeletal remains are discovered, please refer to the Department of Indigenous Affairs for advice*". Given that the current proposed works are in the same area, the advice was adopted for this project.
21. The project team has been working closely with local indigenous groups to include them in the ongoing planning and implementation of the project.

### **PUBLIC CONSULTATION / ENGAGEMENT**

22. There is not a statutory requirement to seek public comment for this development; however, a public notice was placed in a local newspaper informing the community about the project.

**STATUTORY IMPLICATIONS**

23. Part II – Reserved Land in Town Planning Scheme 1A states :

*“2.1 Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme map;  
2.2 Except as otherwise provided in this part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for an obtaining the written approval of the Council;  
2.3 In giving its approval to carry out development the Council shall have regard to the ultimate purpose intended for the reserve...”*

The land is set aside for the purpose of Parks and Recreation. The reserve being Lot 1003 has a drainage easement registered over that lot.

24. Section 164 of the *Planning and Development Act 2005* states:

*(1) “A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out”.*

**STRATEGIC IMPLICATIONS**

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

**Key Focus Area**

*Lifestyle and Environment*

**Community Priority**

*A built environment for active lifestyles*

**Proposed Strategies**

- *Review and improve drainage in sporting precincts and parks.*

**POLICY IMPLICATIONS**

26. The subject land is within the policy area of Policy no 7K. Centennial Park Redevelopment Area (City of Albany Local Planning Scheme No. 1A & 3 Policy Manual, LPP7 - Special Development control Areas (Non Residential)).

27. This policy has some guidelines for the location, height and form of development within the Centennial Park area. One of the objectives of the policy is *“to rationalise the use of, and improve the quality of, open space and sporting facilities in the City.”*

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Public safety at risk due to exposed banks.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Banks designed and engineered to safety standards</i>
<i>If project not approved there could be a flood risk in times of extreme storm events.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Approve the development to avoid future flood damage.</i>
<i>Exposure of acid sulfate soils could impact on the Yakamia Creek due to disturbance of the site during development.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>All work to comply with monitoring and reporting requirements within Acid Sulfate Soil Management Plan prepared by Golder Associates Pty Ltd (report number 127643009-004-R-Rev0)</i>



**FINANCIAL IMPLICATIONS**

- 29. An application fee has been received for the development.
- 30. The development costs for the project have been met within Major Project's budget.

**LEGAL IMPLICATIONS**

- 31. There is a requirement that the City maintain an effective and efficient drainage system of which this drain forms part of the Yakamia drainage system.

**ALTERNATE OPTIONS**

- 32. If this development is not approved there is the likelihood of inefficient drainage system being maintained and the probability of future flooding and associated damage
- 33. If not approved, the site will be required to be returned to it's former, degraded state.

**SUMMARY CONCLUSION**

- 34. The living stream project is intended to improve on existing drainage infrastructure in such a way as to safely cope with increased water flow; allowing the design to incorporate a wetland system that will also create a passive recreational area to be enjoyed by the whole community.
- 35. Council is requested to grant retrospective Planning Consent to this application.

<b>Consulted References</b>	:	<i>Planning &amp; Development Act 2005</i>
<b>File Number (Name of Ward)</b>	:	Frederickstown Ward
<b>Previous Reference</b>	:	N/A

## City Of Albany - Centennial Park Wetland Living Stream Restoration

The proposal is to convert a severely degraded weed bushland drain within the Centennial Park recreation and sporting precinct into a functioning ecosystem that will be a haven for plants and animals as well as a place of reflection and learning for the people that visit. In addition to conveying storm water, the living stream system will also treat it using physical and biological processes, and create diverse habitats for wildlife.

This project seeks to address multiple objectives:

- restore a current ditch drain to a culturally, hydrologically and environmentally sustainable ecosystem that will support a wide range of plants and animals
- provide better and more safer access for the community to enhanced passive recreational areas
- provide interpretation of the system through signage
- assist in managing drainage and flooding issues that have impacted on the wetland and recreational pond users while significantly improving environment and landscape amenity

The project will construct or modify control weirs to allow pond height control and allow water to enter a constructed stream reach that will incorporate pool and riffle sequences designed within a hydraulically shaped stream cross-section to incorporate a low flow channel, bankful profile and riparian bands.

The stream reach will discharge into a permanent pond/ wetland area that will overflow/outfall via a control weir into a headwall box culvert.

Riparian and associated local providence native vegetation will be restored over the reshaped stream bank and riparian band areas in addition to wetland species established to control bank and stream channel erosion.

The area of both restored stream and pond covers approximately 2500 square metres (0.25ha), and the overall combined length of both pond and stream is approximately 117 metres.

The area currently is covered by introduced weed species, and the current lake overflow is conveyed on one side of the weed area via a trapezoidal ditch drain.

Project contacts;

**Anthony McEwan**, Manager, Asset Planning and Major Projects 9844 2204

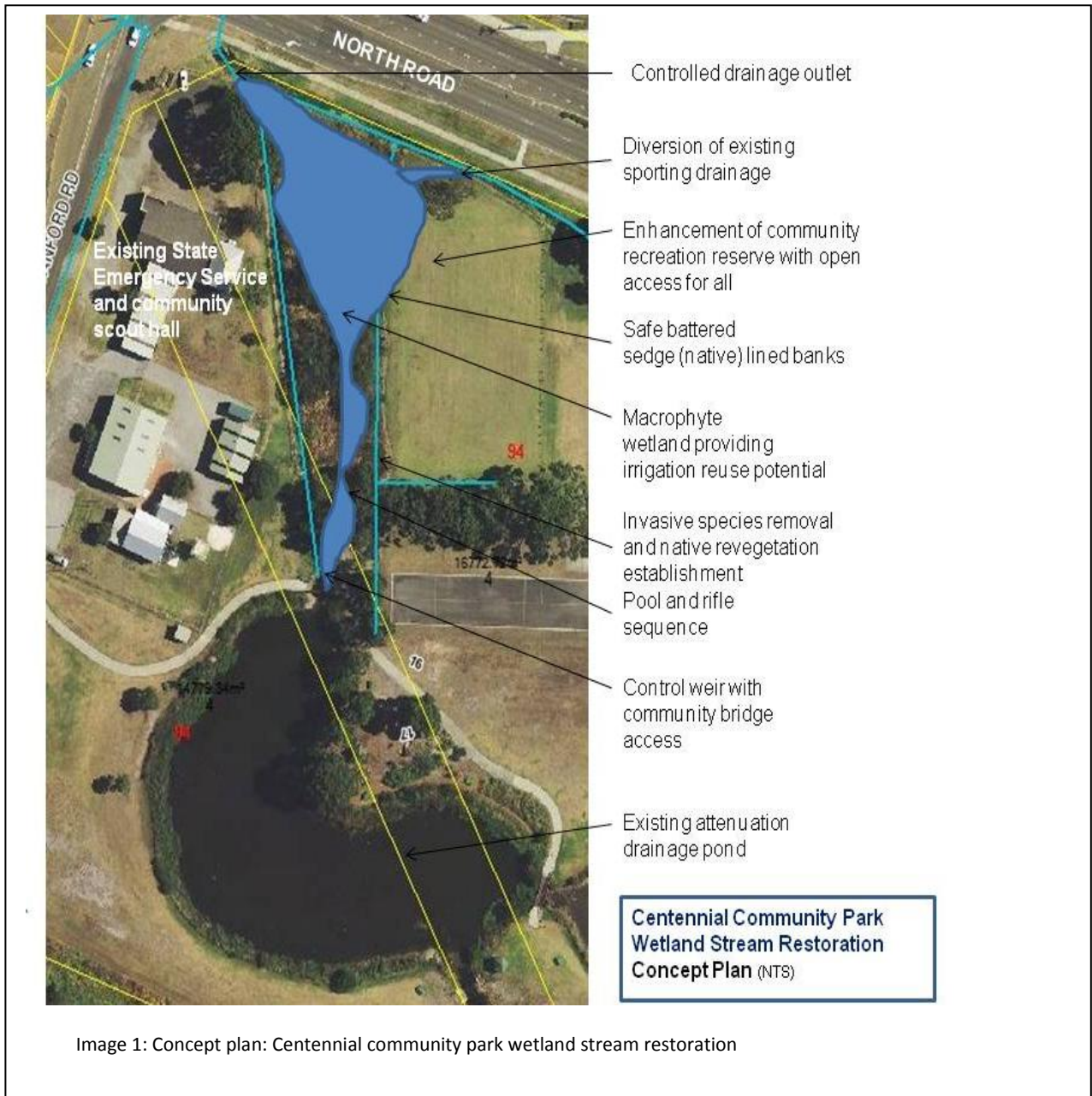


Image 1: Concept plan: Centennial community park wetland stream restoration



Image 2: Centennial park recreation precinct. showing subject site located in centre (red circle)



Image 3: Existing image of subject site showing degraded, weed infested drainage discharging from significant indigenous wetland and recreational precinct.



Image 4.: Wetland outfall to degraded stream. This wetland has an integrated drainage function attenuating storm water runoff from urban areas and providing passive and active recreation whilst providing a biological function of improving water quality whilst providing habitat to aquatic fauna including the (Aboriginal significant) long neck tortoise and native waterbirds.



Image 5: Introduced weeds infesting drain and wetland fringing area. The proposal removes all weeds and reshapes stream into a natural stream alignment with pools and riffle providing natural stream hydrology with improved water quality outcomes whilst providing improved drainage function the this recreational precinct.

# *City of Albany Notices*

## AGENDA ITEM 2.8 REFERS

### ***PUBLIC NOTICES***

## **LIVING STREAM PROJECT, NORTH ROAD**

The City of Albany wishes to advise that work will begin on 26 April, 2012 to create a 'living stream' linear wetland, linked to the Centennial Park sporting drainage system at the corner of North and Sandford Road behind existing State Emergency Service and Scout Hall.

This site is currently a severely degraded open ditch drain covered in weed bushland. The work will extend from North Road to the existing footbridge of existing irrigation pond and is expected to take six weeks.

A living stream is a retrofitted stormwater conveyance channel that will mimic the characteristics of a natural stream capable of safely conveying large flows. These works will be an attractive feature of the landscape and will create diverse habitat and restore environmental characteristics through native and indigenous plantings that can also remove pollutants. The project will also provide the Albany community with enhanced passive recreation areas.

For any enquiries, contact Anthony McEwan, Manager Major Projects (08) 9844 2204 or [anthonym@albany.wa.gov.au](mailto:anthonym@albany.wa.gov.au)



# Flora Survey and Vegetation Assessment

For  
94 Sanford Rd, Albany WA

by  
Peter Stewart  
City of Albany, Bushcare Assistant  
November 2011

1. Scope of Survey and Assessment

- Determine the occurrence and distribution of native flora within the designated survey area;
- Determine the occurrence and distribution of introduced flora within the designated survey area;
- 

2. Site details

Plan and Lot: P202465 4

Assess: A74354



Figure 1: Survey site location

3. Methodology

- The survey area was visited on the 14<sup>th</sup> November 2011;
- A list of native flora occurring within the site was developed and their general distribution noted;
- A list of introduced flora occurring within the site was developed and their general distribution noted;
- A series of photo points of the site were established;



## 4. Results

## Native flora list

Genus	species	Common Name	Form
<i>Baumea</i>	<i>juncea</i>	Bare Twigrush	sedge
<i>Juncus</i>	<i>pallidus</i>	Pale Rush	rush
<i>Stenotalis</i>	<i>ramosissima</i>		rush
<i>Astartea</i>	<i>glomerulosa</i>		low shrub
<i>Lobelia</i>	<i>anceps</i>	Angled Lobelia	herb
<i>Callistachys</i>	<i>lancelatum</i>	Wonnich, Native Willow	large shrub
<i>Melaleuca</i>	<i>microphylla</i>		large shrub
<i>Taxandria</i>	<i>linearifolia</i>		large shrub

## Introduced flora list

Genus	species	Common Name	Form
<i>Cortaderia</i>	<i>selloana</i>	Pampas Grass	clumping grass
<i>Cynodon</i>	<i>dactylon</i>	Couch	grass
<i>Pennisetum</i>	<i>clandestinum</i>	Kikuyu	grass
<i>Rubus</i>	<i>sp</i>	Blackberry	
<i>Watsonia</i>	<i>sp</i>	Watsonia	Herb
<i>Callistemon</i>	<i>sp</i>	'Kings Park Special'	shrub
<i>Psoralea</i>	<i>pinnata</i>	Taylorina	shrub
<i>Solanum</i>	<i>laciniatum</i>	Kangaroo Apple	shrub
<i>Ulex</i>	<i>europaeus</i>	Gorse	shrub
<i>Acacia</i>	<i>longifolia</i>	Sydney Golden Wattle	large shrub/tree
<i>Eucalyptus</i>	<i>robusta</i>	Swamp Mahogany	tree

## Vegetation condition:

In November 2011, the condition of the flora within the survey site was determined to be 'Degraded' (Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. Keighery Condition Scale 1994).

There were a total of 8 local native species found to be occurring within the site, with the dominant species being the large shrubs *Callistachys lanceolatum*, *Melaleuca microphylla* and *Taxandria linearifolia*. These three species provided a top storey to the vegetation structure while the majority of the site comprises a lower storey of introduced herbaceous (e.g. *Watsonia*) and grass species (e.g. *Kikuyu*).

Within the site there are sections of large Taylorina plants which are growing amongst the native shrubs and also a number of Swamp Mahogany (*E. robusta*) and Sydney Golden Wattle (*A. longifolia*) trees.

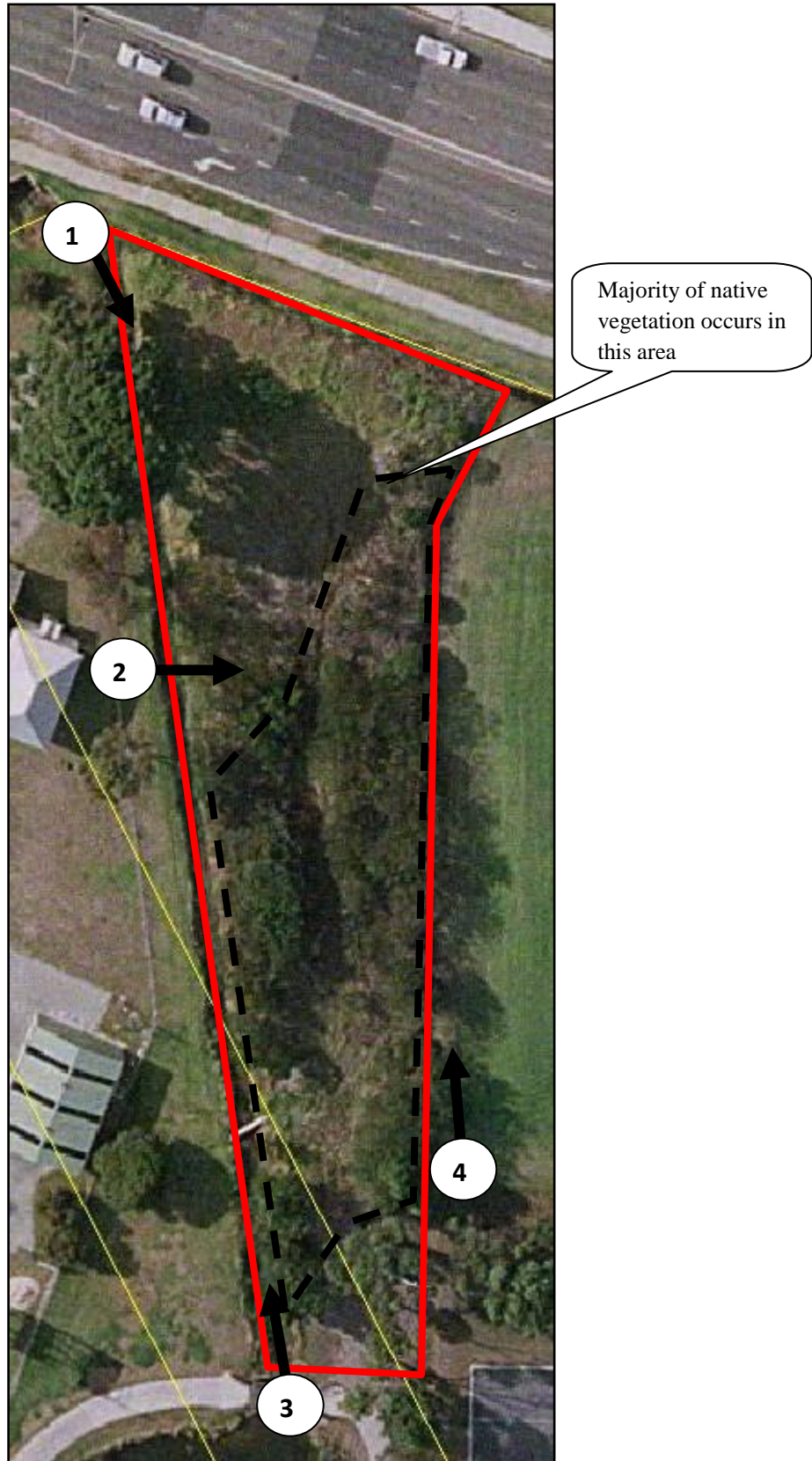


Figure 2: Survey site details and photo point locations



Photo 1: View of the drain on west side of site with infestations of Taylorina, Watsonia and Swamp Mahogany trees



Photo 2: Central section of the site which has a dense cover of Watsonia and Kikuyu grass



Photo 3: View to the north from the footbridge with Swamp Mahogany saplings invading the site from nearby mature trees



Photo 4: View along the east side of the site with both native and introduced shrubs above an understory of Watsonia, grasses and native rushes

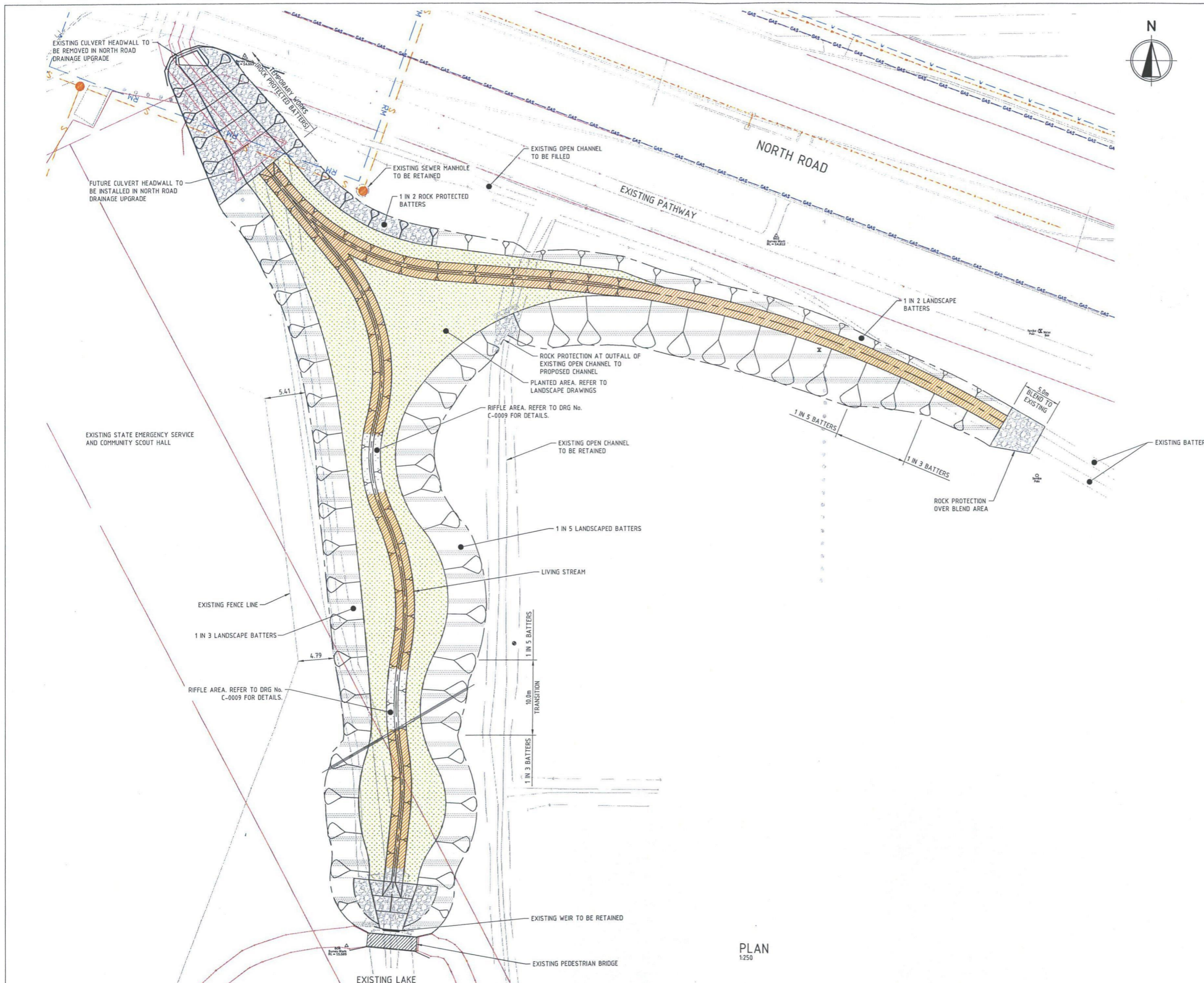


NOTES

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LEGEND

- ROCK PROTECTION
- RIFFLE AREA. REFER TO LANDSCAPING DRAWINGS
- LIVING STREAM. REFER TO LANDSCAPING DRAWINGS
- LANDSCAPED BATTERS. REFER TO LANDSCAPING DRAWINGS
- PLANTED AREA. REFER TO LANDSCAPING DRAWINGS
- EXISTING POWER
- EXISTING DRAINAGE
- EXISTING WATER
- EXISTING RISER MAIN SEWER
- EXISTING GAS
- EXISTING SEWER MANHOLE



REV	DATE	DESCRIPTION	RVD
C	20.02.2012	ISSUED FOR TENDER	AP
B	15.02.2012	ISSUED FOR FINAL TENDER REVIEW	AP
A	08.02.2012	ISSUED FOR CLIENT REVIEW	AP

REV	DATE	DESCRIPTION	RVD

CLIENT

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PROJECT

CENTENNIAL PARK DRAINAGE  
ALBANY

STATUS			
ISSUED FOR TENDER			
NOT TO BE USED FOR CONSTRUCTION			
DRAWN	DESIGNED	CHECKED	APPROVED
GC	AP	AP	X
DATUR	GRID	SCALE	
AHD	AMG	1:250	

TITLE	
LIVING STREAM RESTORATION PLANTING PLAN	
PROJECT No.	DRAWING No.
P11493	C-0004
REV	C

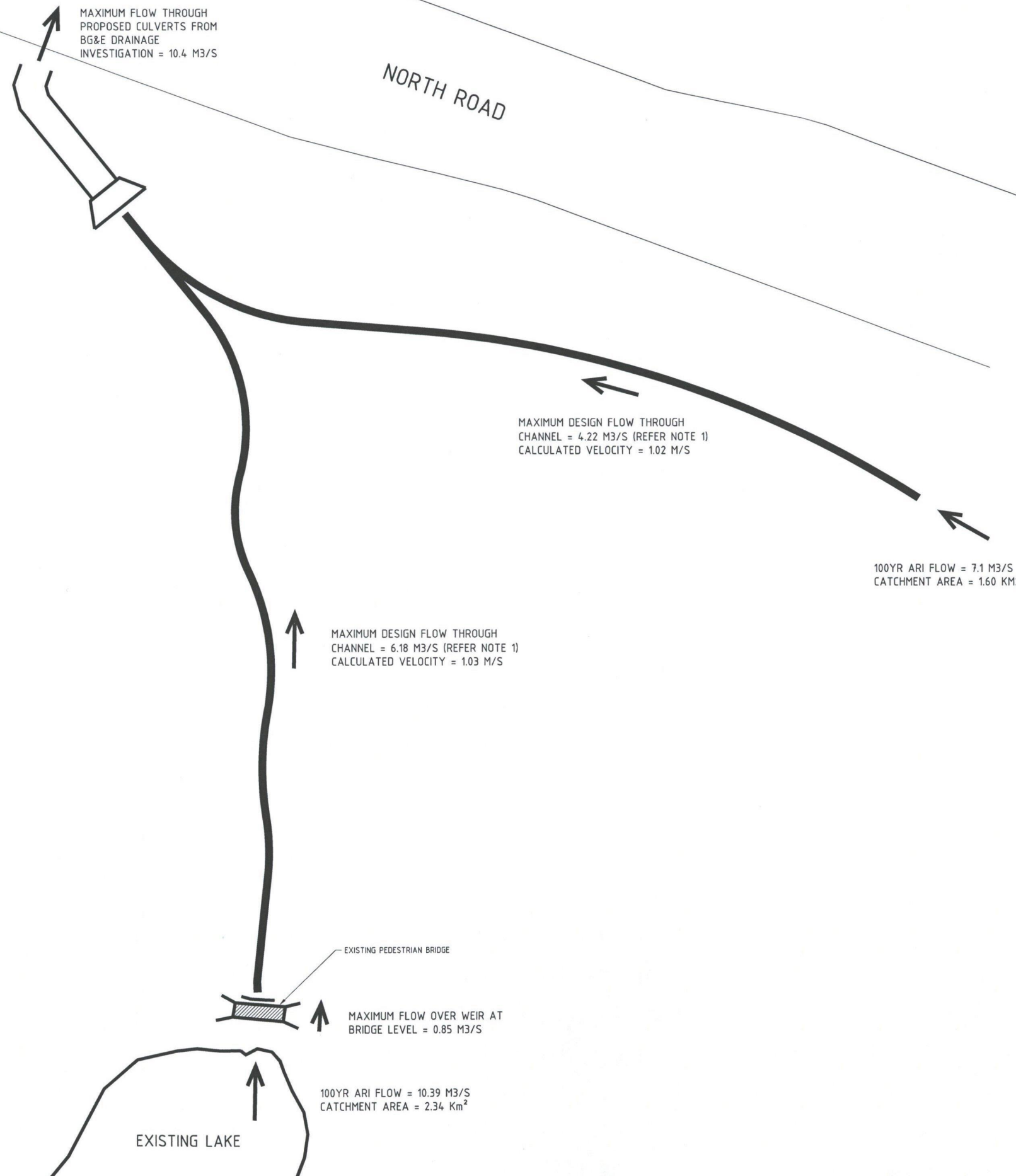
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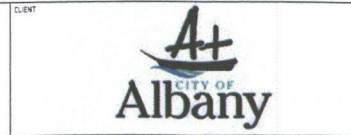
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1. THE MAXIMUM DESIGN FLOW IS BASED ON THE THE ASSUMPTION THAT THE NORTH ROAD CULVERTS ARE THE LIMITING FACTOR. THE MAXIMUM FLOW THROUGH THE NORTH ROAD CULVERTS IS TAKEN FROM THE PREVIOUS DRAINAGE INVESTIGATION CONDUCTED BY BG&E.



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REV	DATE	DESCRIPTION	RVD



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PROJECT  
**BG & E**  
 CENTENNIAL PARK DRAINAGE  
 ALBANY

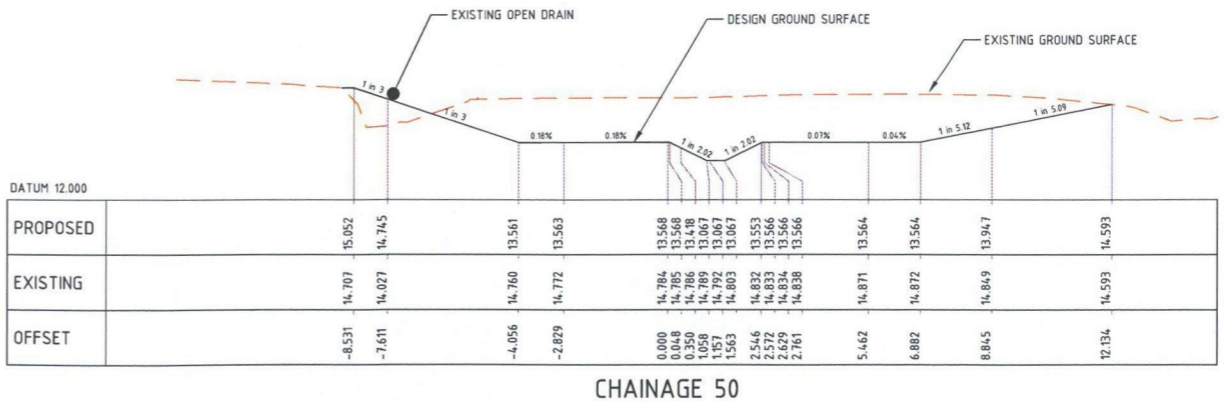
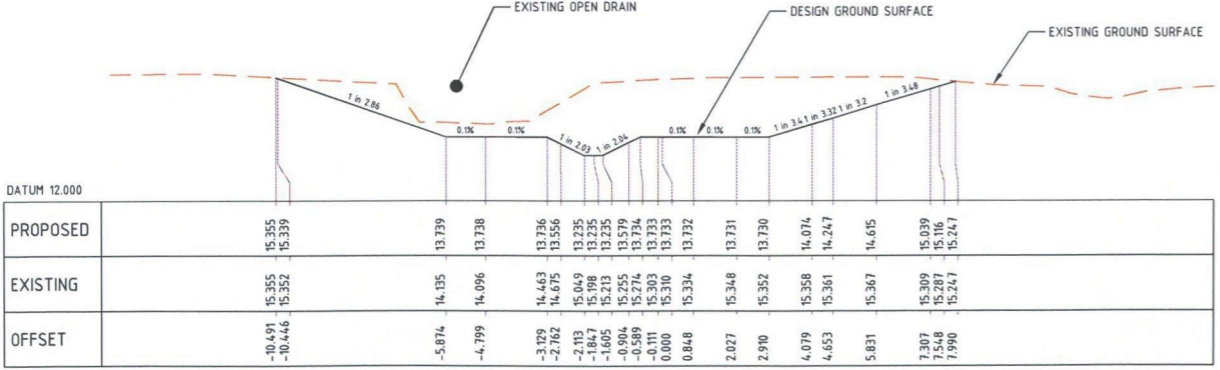
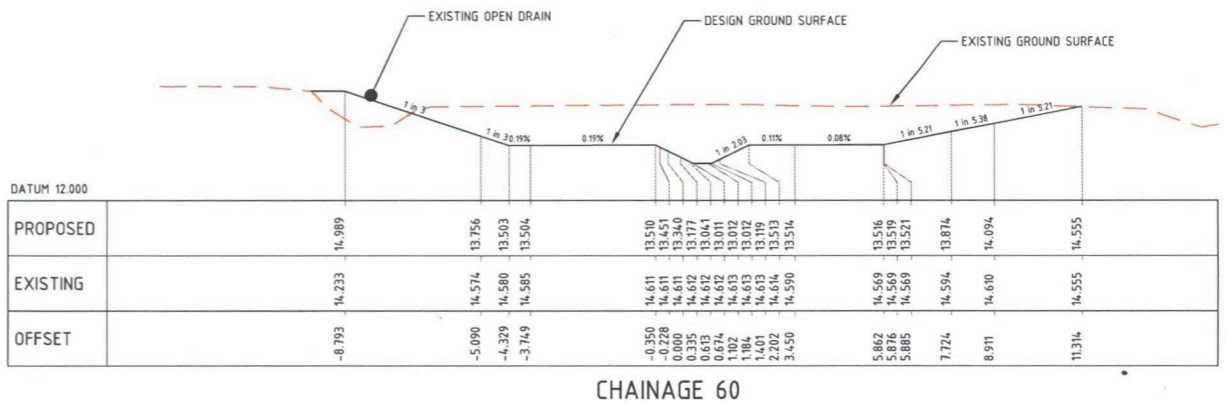
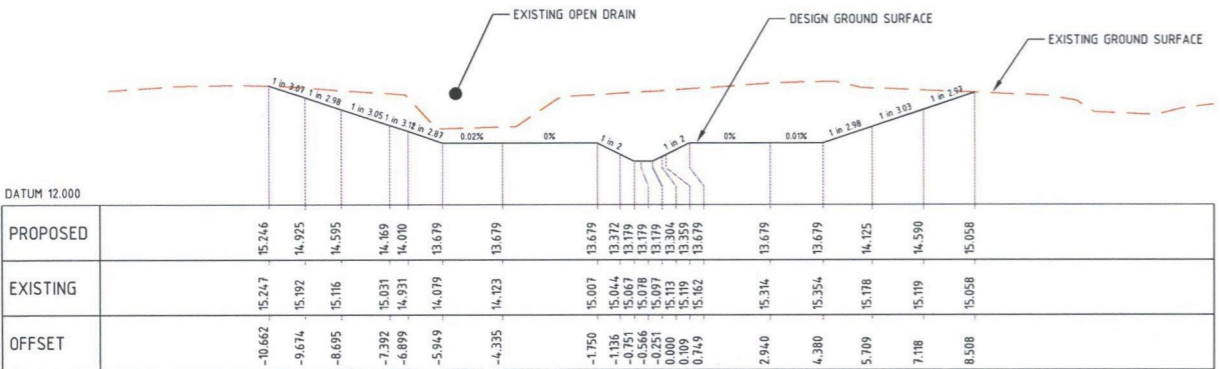
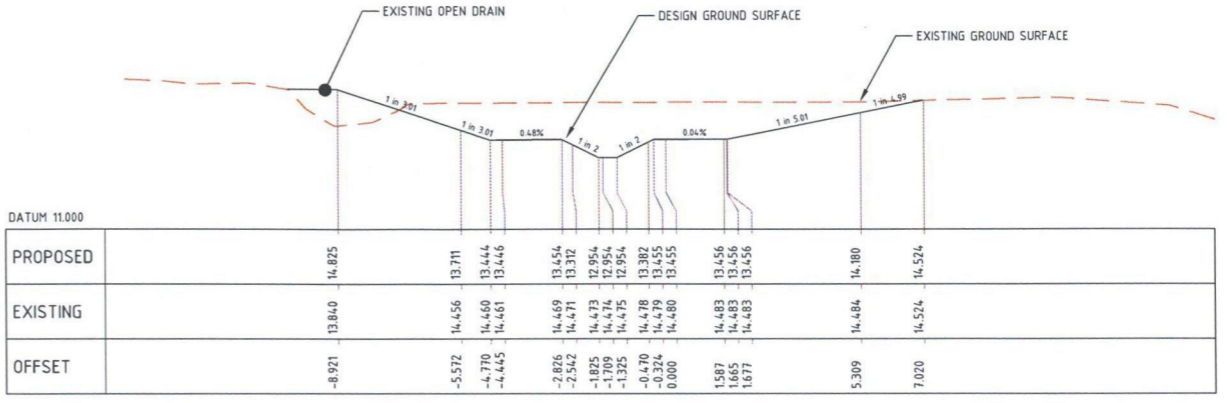
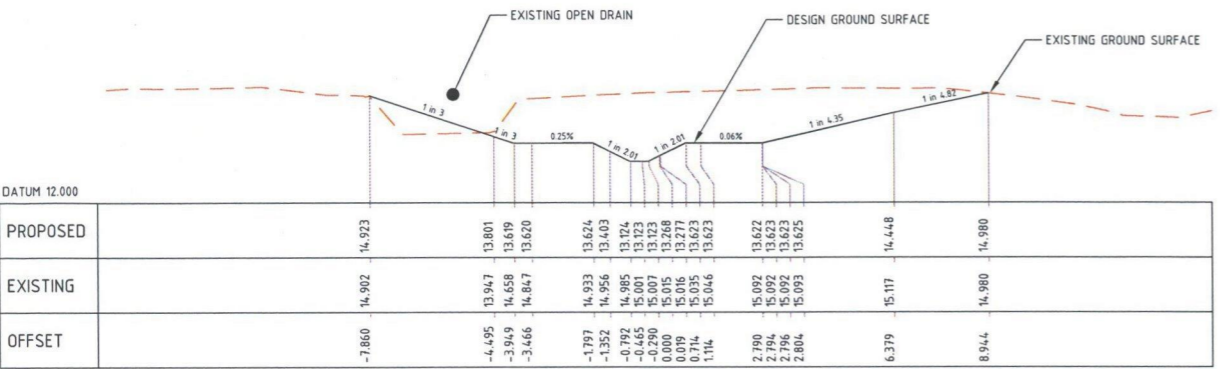
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AHD	AMG	N.T.S.	

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PROJECT No	DRAWING No	REV
P11493	C-0003	C

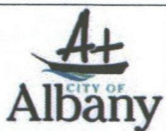
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SOUTHERN CHANNEL SECTIONS  
REFER TO DRAWING C-0007 FOR CROSS SECTION REFERENCE CHAINAGE LOCATIONS



REV	DATE	DESCRIPTION	RVD
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PROJECT  
**CENTENNIAL PARK DRAINAGE**  
ALBANY

STATUS	ISSUED FOR TENDER NOT TO BE USED FOR CONSTRUCTION			
DESIGNED	CHECKED	APPROVED	DATE	BY
GC	AP	AP	X	

DATUM: AHD  
GRID: AMG  
SCALE: 1:100  
AT A1 SIZE

TITLE  
**LIVING STREAM RESTORATION  
DESIGN CROSS SECTIONS  
SHEET 1**

PROJECT No.	DRAWING No.	REV
P11493	C-0005	C

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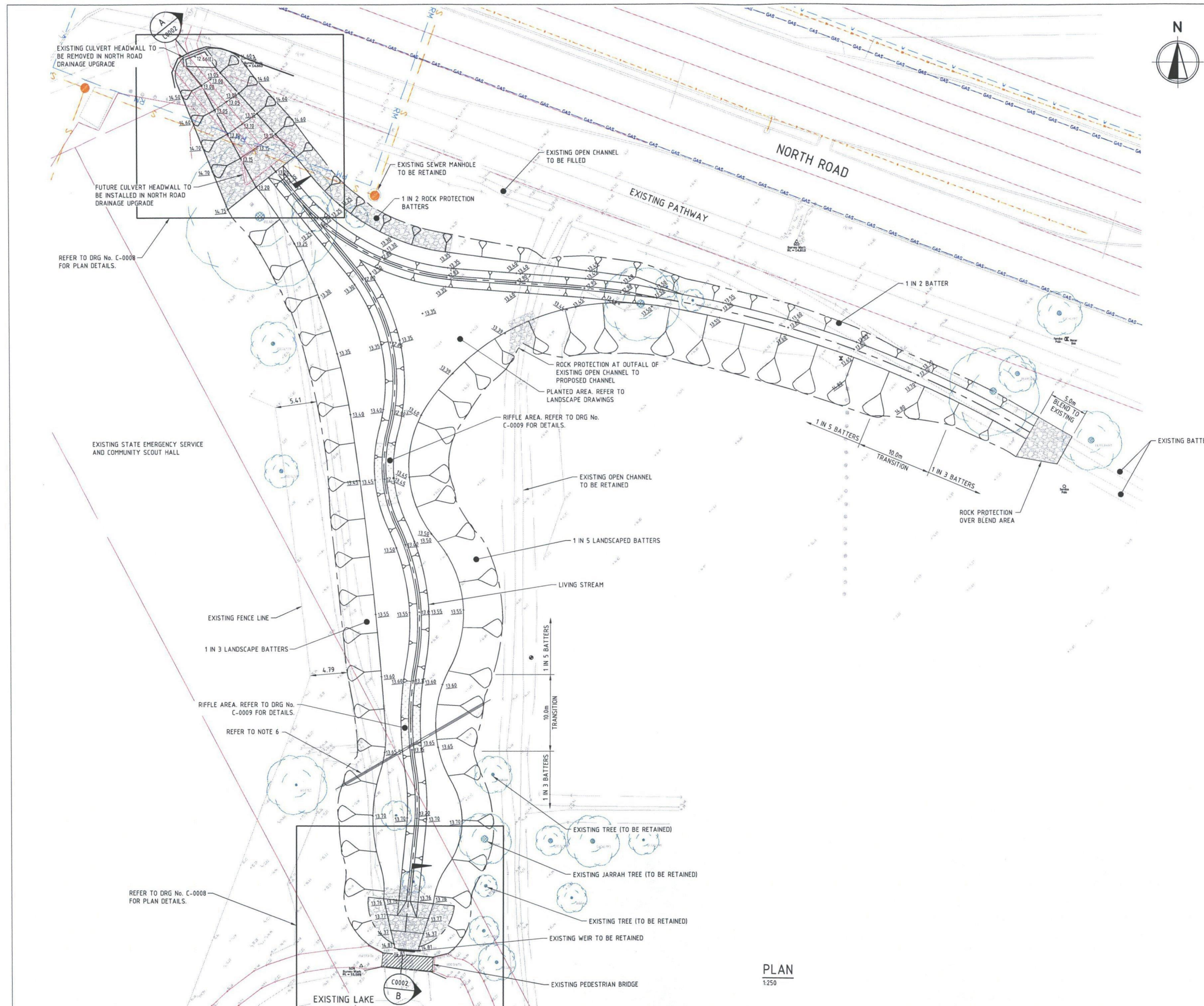
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- EXISTING Ø375 HELICOID PIPE OF UNKNOWN SERVICE. CONTRACTOR TO DETERMINE SERVICE TYPE AND REQUEST ACTION FROM SUPERINTENDENT BASED ON THE DETERMINED SERVICE TYPE.

LEGEND

- ROCK PROTECTION
- RIFFLE AREA. REFER TO LANDSCAPING DRAWINGS
- EXISTING POWER
- EXISTING DRAINAGE
- EXISTING WATER
- EXISTING SEWER
- EXISTING RISING MAIN SEWER
- EXISTING GAS
- EXISTING SEWER MANHOLE
- PROPOSED FINISHED LEVEL
- EXISTING LEVEL

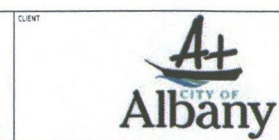
DRAWING INDEX

DRAWING NUMBER	DRAWING TITLE
P11493-DRG-C-0001	LIVING STREAM RESTORATION - PLAN
P11493-DRG-C-0002	LIVING STREAM RESTORATION - DETAILS
P11493-DRG-C-0003	DRAINAGE SCHEMATIC - DESIGN FLOW CALCULATIONS
P11493-DRG-C-0004	PLANTING PLAN
P11493-DRG-C-0005	DESIGN CROSS SECTIONS - SHEET 1
P11493-DRG-C-0006	DESIGN CROSS SECTIONS - SHEET 2
P11493-DRG-C-0007	REFERENCE LINE DETAILS - CROSS SECTIONS
P11493-DRG-C-0008	LIVING STREAM RESTORATION - PLAN DETAILS
P11493-DRG-C-0009	RIFFLE TYPICAL SECTIONS
P11493-DRG-C-0010	LAYOUT PLAN
P11493-DRG-C-0011	CLEARING PLAN



PLAN  
1:250

REV	DATE	DESCRIPTION	RVD	REV	DATE	DESCRIPTION	RVD
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PROJECT  
CENTENNIAL PARK DRAINAGE  
ALBANY

STATUS ISSUED FOR TENDER NOT TO BE USED FOR CONSTRUCTION			
DRAWN GC	DESIGNED AP	CHECKED AP	APPROVED X
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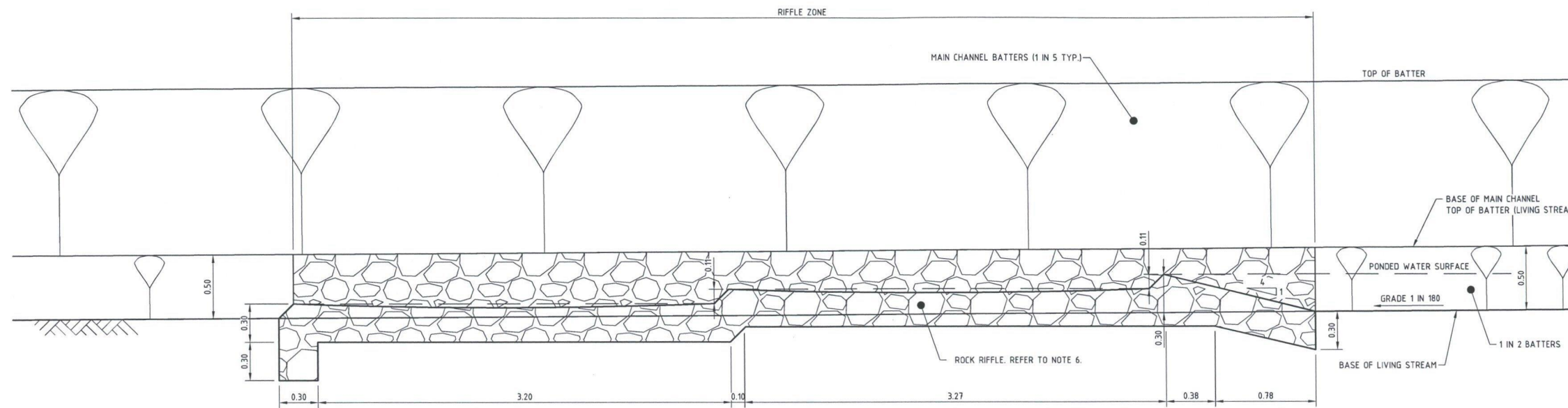
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PROJECT No. P11493	DRAWING No. C-0001	REV. C



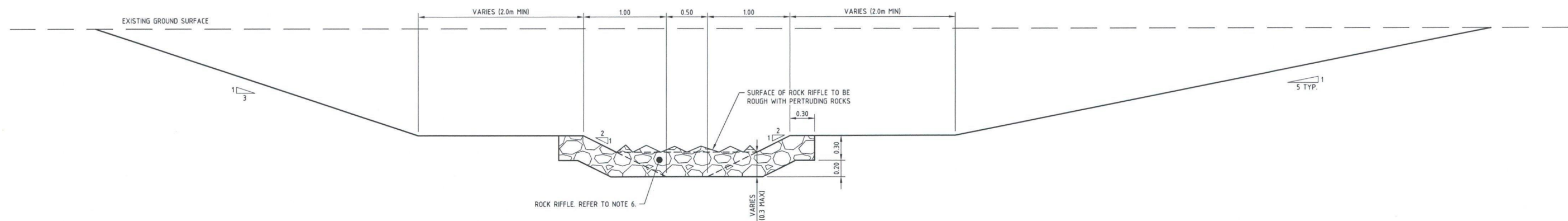
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- RIFFLE ROCK PROTECTION SHALL BE AS FOLLOWS:

RIFFLE ROCK PROTECTION	
AVERAGE ROCK SIZE (m)	MINIMUM % OF ROCK LARGER THAN
0.300	100
0.150	55
0.080	15
0.050	0

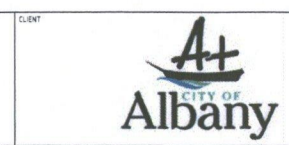


RIFFLE - TYPICAL LONG SECTION  
1:20



RIFFLE - TYPICAL CROSS SECTION THROUGH RIFFLE AREA  
1:25

REV	DATE	DESCRIPTION	RVD	REV	DATE	DESCRIPTION	RVD
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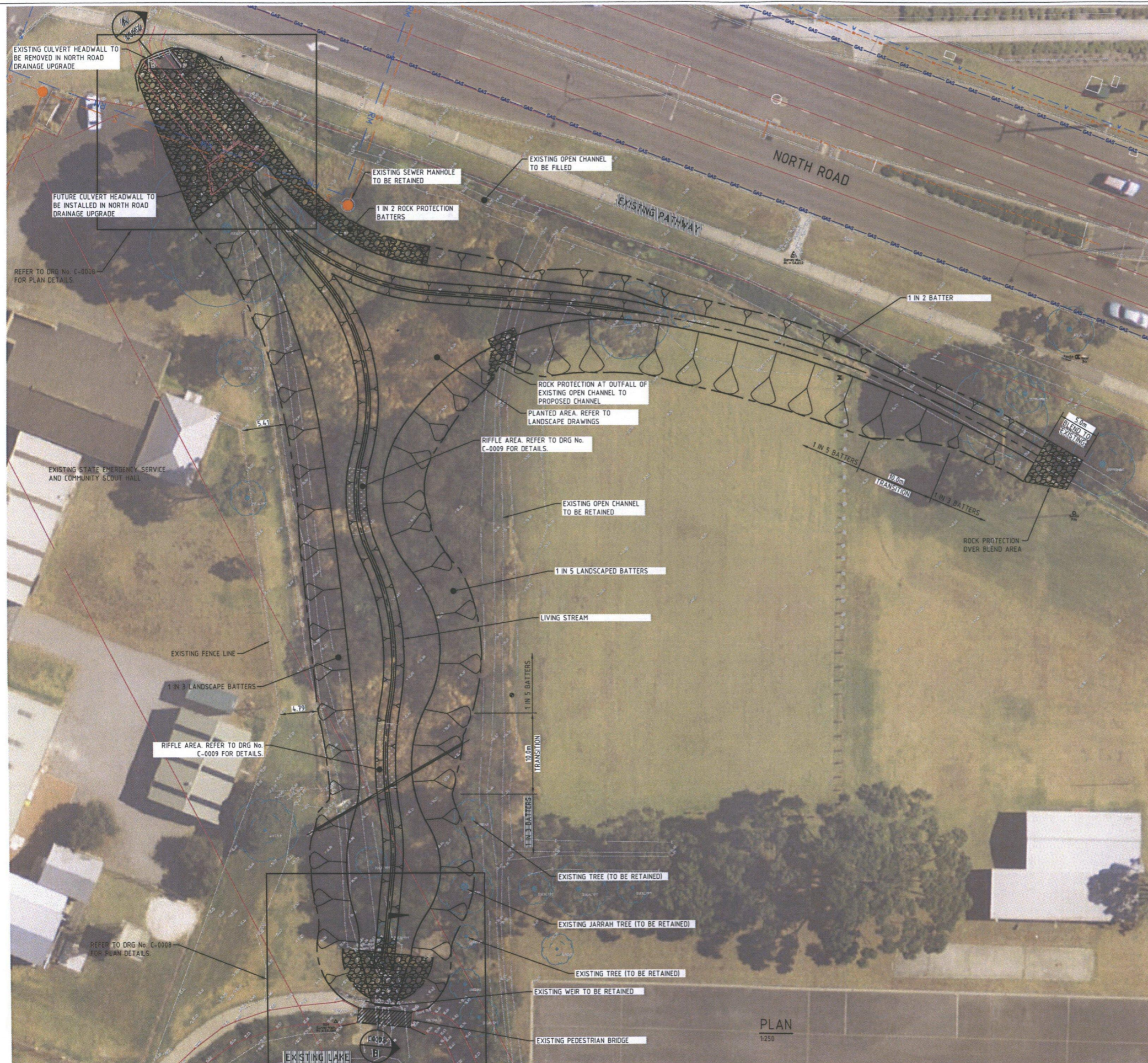
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CENTENNIAL PARK DRAINAGE  
ALBANY

STATUS ISSUED FOR TENDER NOT TO BE USED FOR CONSTRUCTION			
DRAWN GC	DESIGNED AP	CHECKED AP	APPROVED X
DATUM AHD	DRG AMG	SCALE	AT A1 SIZE

TITLE LIVING STREAM RESTORATION RIFFLE TYPICAL SECTIONS	
PROJECT No. P11493	DRAWING No. C-0009
REV B	

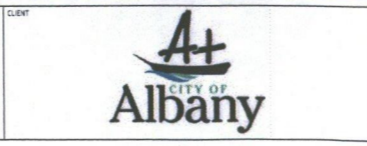
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REV	DATE	DESCRIPTION	RVD



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PROJECT  
**BG & E**  
 CENTENNIAL PARK DRAINAGE  
 ALBANY

STATUS			
ISSUED FOR TENDER			
NOT TO BE USED FOR CONSTRUCTION			
DRAWN	DESIGNED	CHECKED	APPROVED
GC	AP	AP	X
DATUR	SHD	SCALE	
AHD	AMG	1:250	

TITLE	
LIVING STREAM RESTORATION LAYOUT PLAN	
PROJECT No.	DRAWING No.
P11493	C-0010
REV.	B

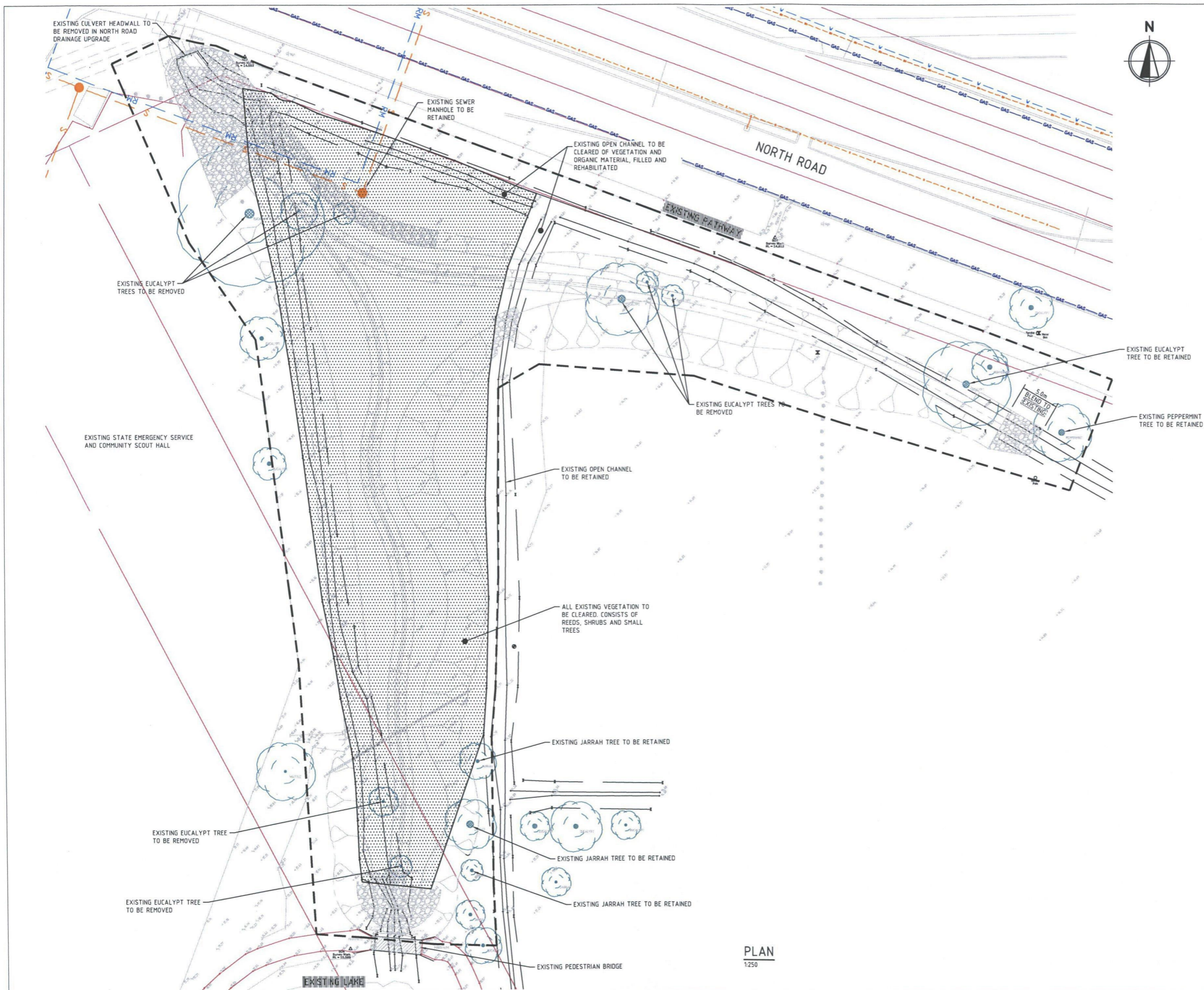


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LEGEND

- ALL EXISTING VEGETATION TO BE CLEARED. CONSISTS OF REEDS, SHRUBS AND SMALL TREES
- EXTENT OF SITE AREA



PLAN  
1:250

REV	DATE	DESCRIPTION	RVD
A	20.02.2012	ISSUED FOR TENDER	AP
REVISIONS			

REV	DATE	DESCRIPTION	RVD
REVISIONS			

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PROJECT

**CENTENNIAL PARK DRAINAGE  
ALBANY**

STATUS			
ISSUED FOR TENDER			
NOT TO BE USED FOR CONSTRUCTION			
DRAWN	DESIGNED	CHECKED	APPROVED
GC	AP	AP	X
DATUM	SRD	SCALE	
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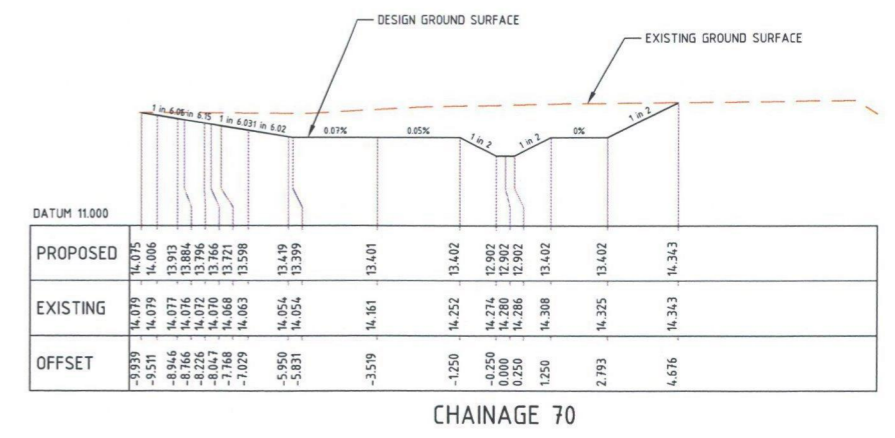
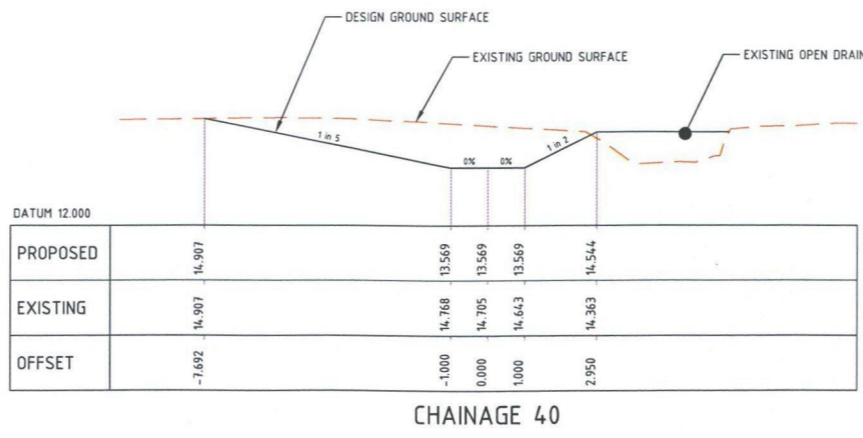
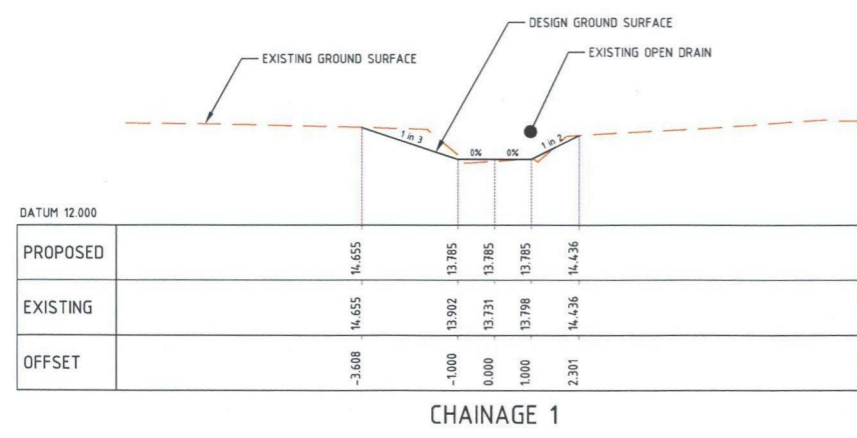
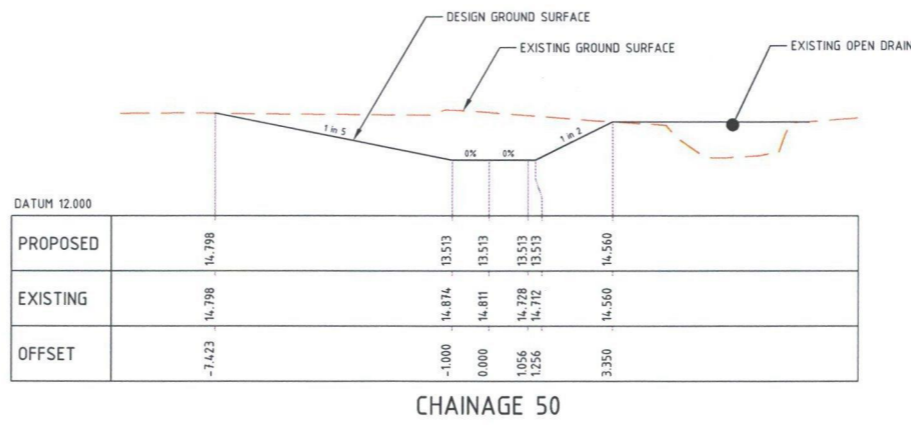
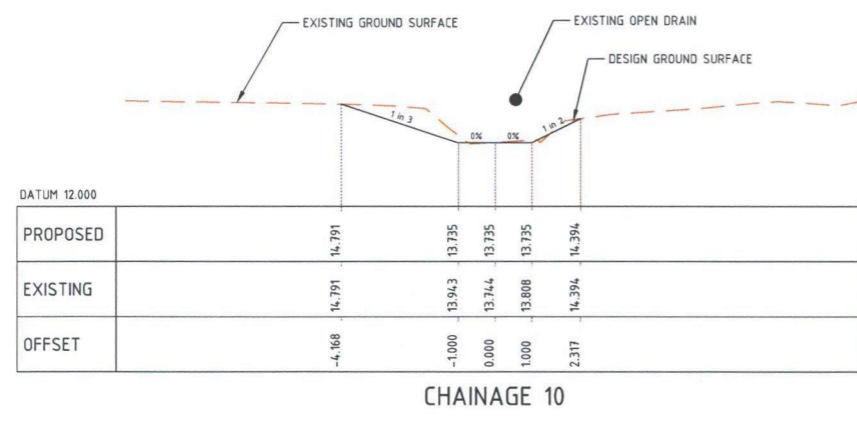
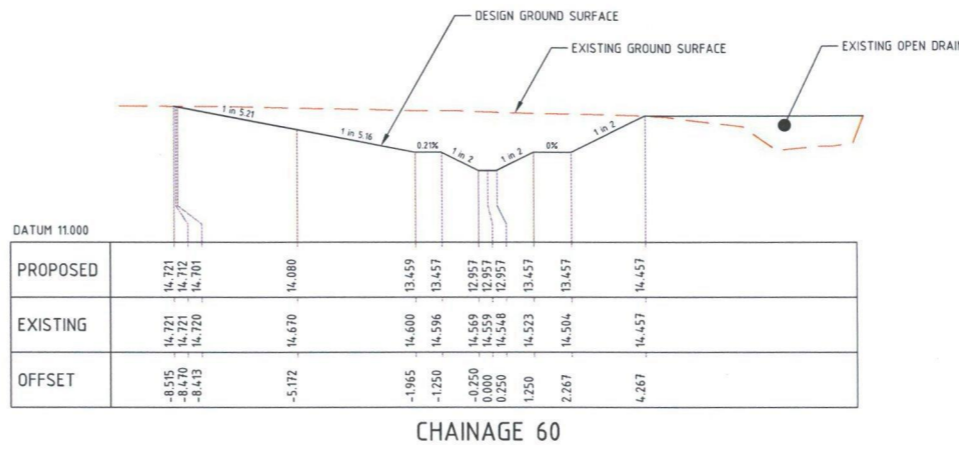
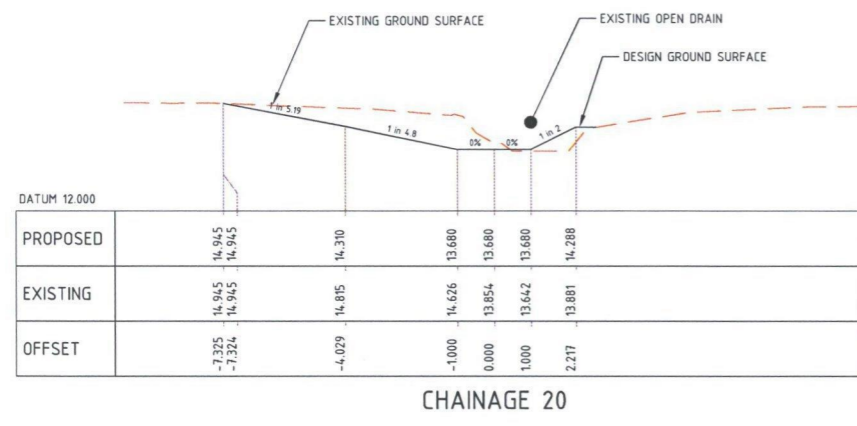
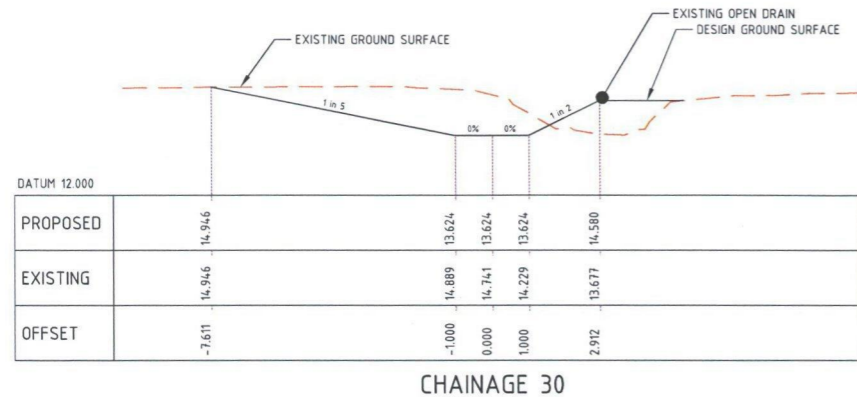
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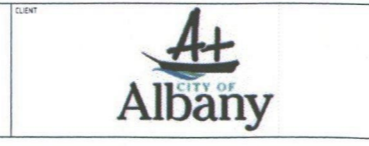
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NORTHERN CHANNEL SECTIONS  
REFER TO DRAWING C-0007 FOR CROSS SECTION REFERENCE CHAINAGE LOCATIONS



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PROJECT  
CENTENNIAL PARK DRAINAGE  
ALBANY

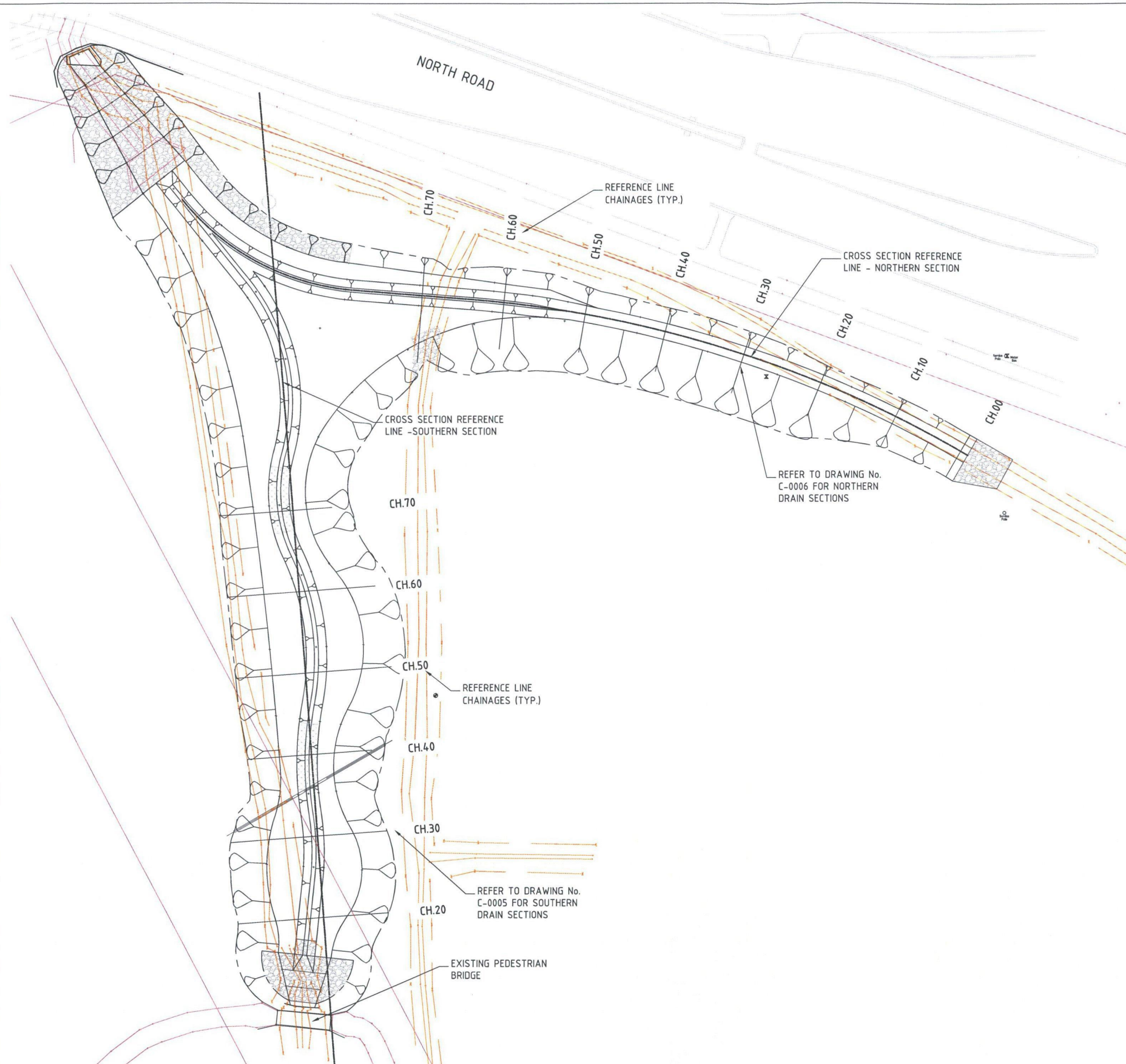
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DRAWN	DESIGNED	CHECKED	APPROVED
GC	AP	AP	X

TITLE  
LIVING STREAM RESTORATION  
DESIGN CROSS SECTIONS  
SHEET 2



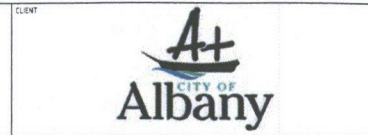
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PROJECT  
**CENTENNIAL PARK DRAINAGE**  
 ALBANY











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TITLE		
LIVING STREAM RESTORATION		
REFERENCE LINE DETAILS		
CROSS SECTIONS		
PROJECT No.	DRAWING No.	REV
P11493	C-0007	C

TITLE: CENTENNIAL PARK DRAINAGE DRAWINGS (PERKINS+OWEN-C-0007) 20/02/2012 1:00:00 AM

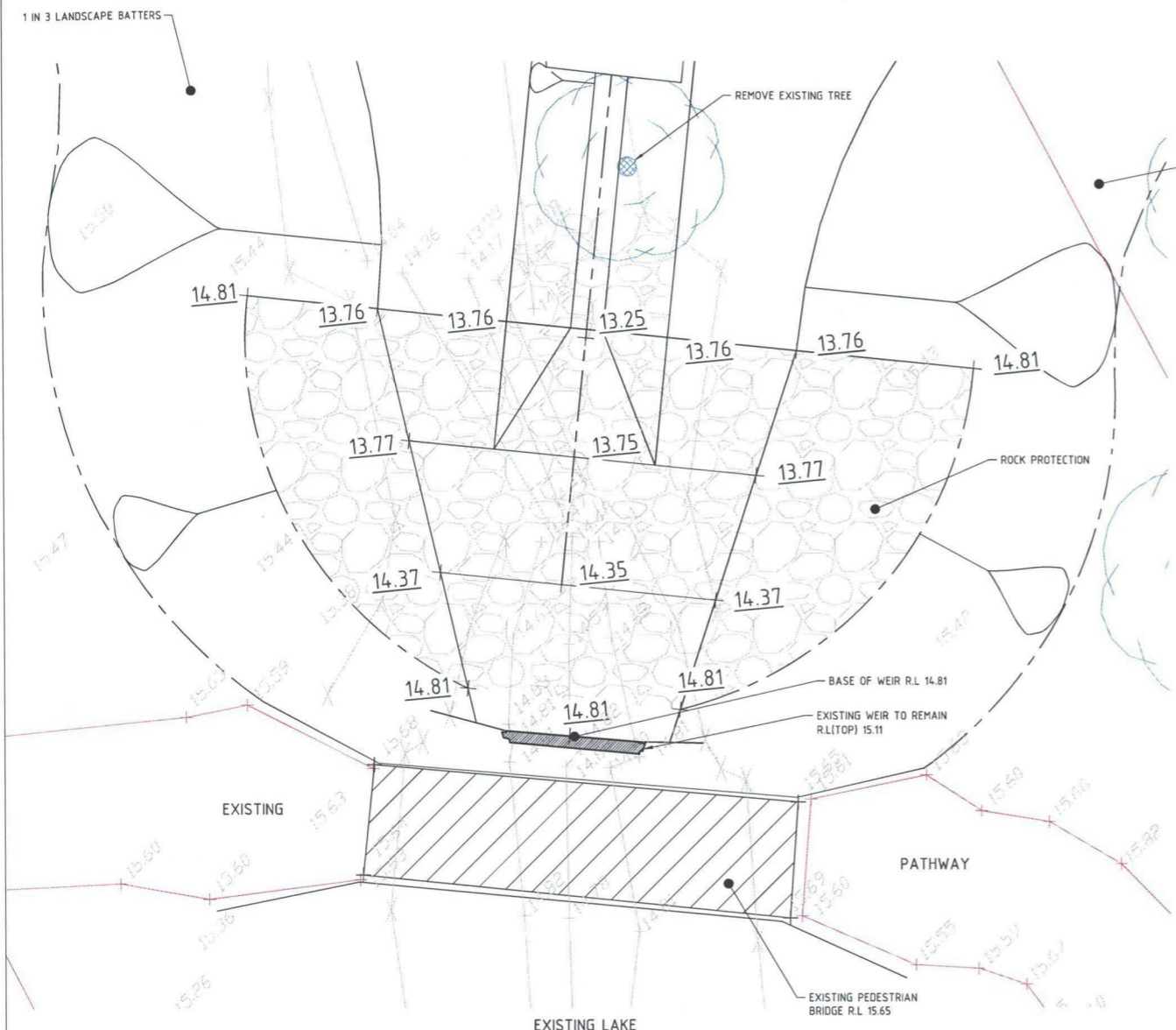
© BGE Pty Limited

LEGEND

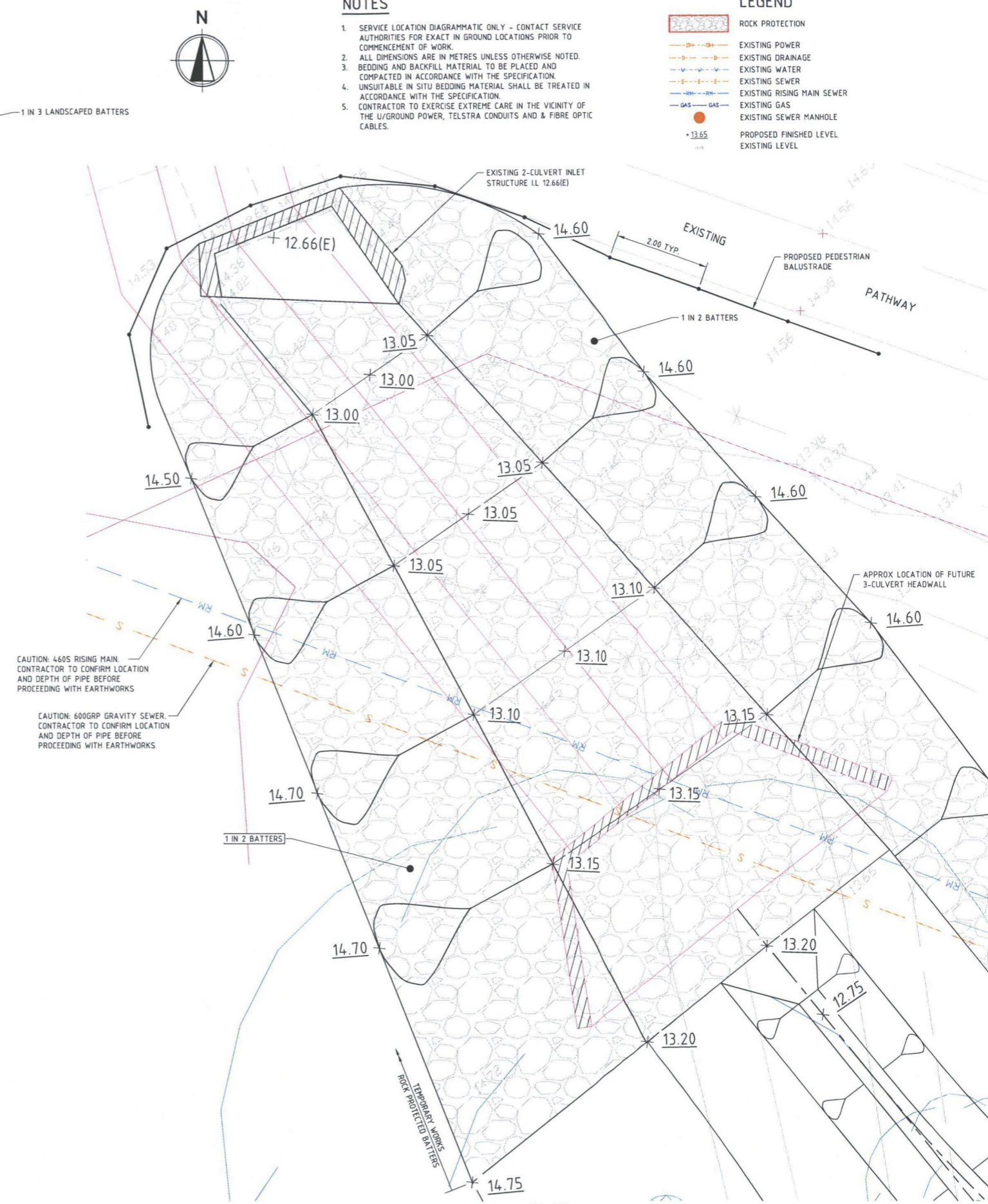
-  ROCK PROTECTION
-  EXISTING POWER
-  EXISTING DRAINAGE
-  EXISTING WATER
-  EXISTING SEWER
-  EXISTING RISING MAIN SEWER
-  EXISTING GAS
-  EXISTING SEWER MANHOLE
-  PROPOSED FINISHED LEVEL
-  EXISTING LEVEL

NOTES

1. SERVICE LOCATION DIAGRAMMATIC ONLY - CONTACT SERVICE AUTHORITIES FOR EXACT IN GROUND LOCATIONS PRIOR TO COMMENCEMENT OF WORK.
2. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE NOTED.
3. BEDDINGS AND BACKFILL MATERIAL TO BE PLACED AND COMPACTED IN ACCORDANCE WITH THE SPECIFICATION.
4. UNSUITABLE IN SITU BEDDING MATERIAL SHALL BE TREATED IN ACCORDANCE WITH THE SPECIFICATION.
5. CONTRACTOR TO EXERCISE EXTREME CARE IN THE VICINITY OF THE U/GROUND POWER, TELSTRA CONDUITS AND FIBRE OPTIC CABLES.



PLAN  
1:50

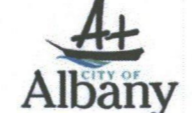


PLAN  
1:50


REV	DATE	DESCRIPTION	RVD	REV	DATE	DESCRIPTION	RVD
C	20.02.2012	ISSUED FOR TENDER	AP				
B	15.02.2012	ISSUED FOR FINAL TENDER REVIEW	AP				
A	08.02.2012	ISSUED FOR CLIENT REVIEW	AP				

REV	DATE	DESCRIPTION	RVD

CLIENT



Perth Office—  
484 Murray St Perth WA 6000  
P/+61 8 6364 3300  
E/info@bg&e.com  
bg&e.com



PROJECT

CENTENNIAL PARK DRAINAGE  
ALBANY

STATUS

ISSUED FOR TENDER  
NOT TO BE USED FOR CONSTRUCTION

DESIGNED	AP	CHECKED	AP	APPROVED	X
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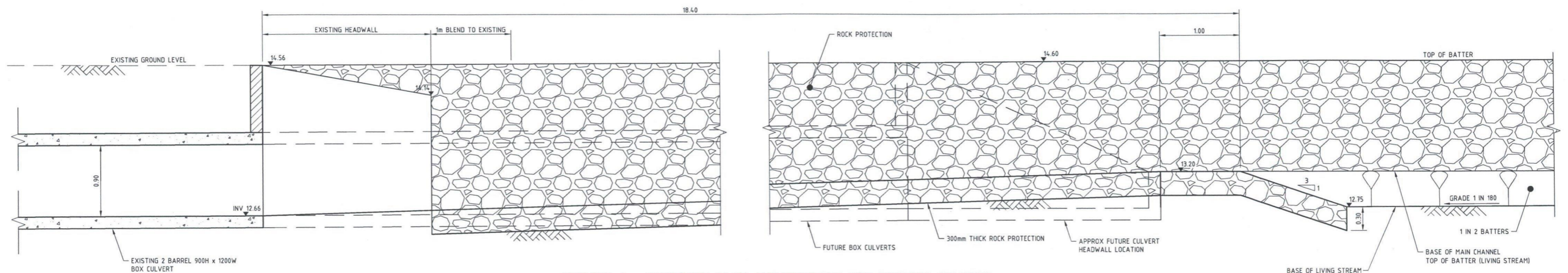
TITLE

LIVING STREAM RESTORATION  
PLAN DETAILS

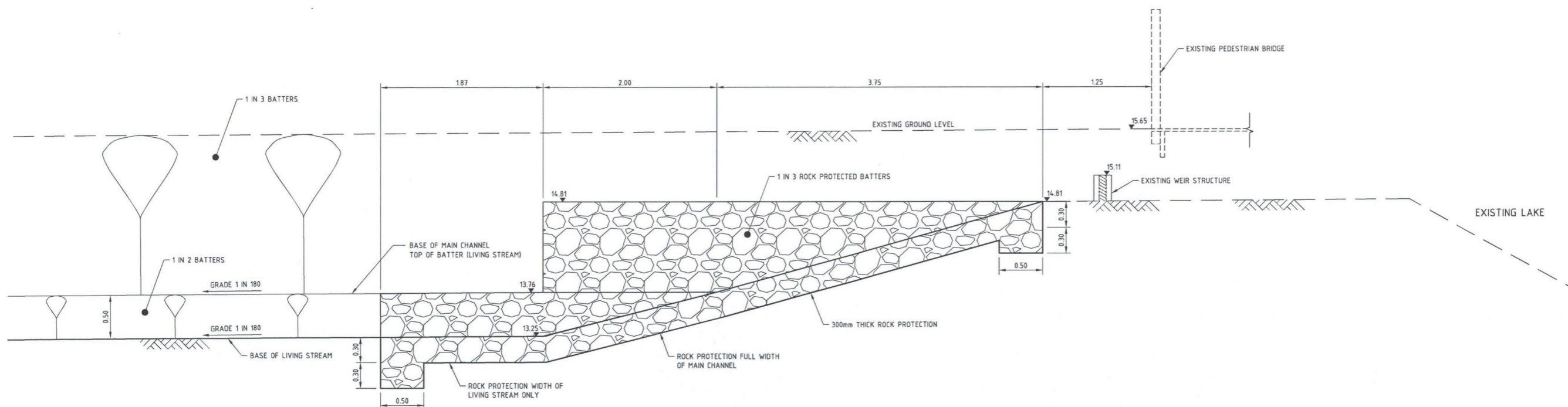
PROJECT No.	P11493	DRAWING No.	C-0008	REV	C
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NOTES

1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE NOTED.
3. BEDDING AND BACKFILL MATERIAL TO BE PLACED AND COMPACTED IN ACCORDANCE WITH THE SPECIFICATION.
4. UNSUITABLE IN SITU BEDDING MATERIAL SHALL BE TREATED IN ACCORDANCE WITH THE SPECIFICATION.
5. ROCK PROTECTION TO BE IN ACCORDANCE WITH THE SPECIFICATION



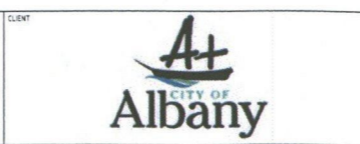
SECTION A - PROPOSED INLET ARRANGEMENT FOR EXISTING CULVERT  
SCALE 1:25



SECTION B - UPSTREAM END OF LIVING STREAM AT LAKE OUTFALL  
SCALE 1:25

REV	DATE	DESCRIPTION	RVD	REV	DATE	DESCRIPTION	RVD
C	20.02.2012	ISSUED FOR TENDER	AP				
B	15.02.2012	ISSUED FOR FINAL TENDER REVIEW	AP				
A	08.02.2012	ISSUED FOR CLIENT REVIEW	AP				
REVISIONS							

REV	DATE	DESCRIPTION	RVD
REVISIONS			



Perth Office—  
484 Murray St Perth WA 6000  
P/+61 8 6364 3300  
E/info@bgeeng.com  
bgeeng.com

PROJECT  
CENTENNIAL PARK DRAINAGE  
ALBANY

STATUS			
ISSUED FOR TENDER NOT TO BE USED FOR CONSTRUCTION			
DRAWN	DESIGNED	CHECKED	APPROVED
GC	AP	AP	X
DATUM	ORIG	SCALE	AT
AHD	AMG	1:25	A1 SIZE

TITLE		
LIVING STREAM RESTORATION DETAILS		
PROJECT No	DRAWING No	REV
P11493	C-0002	C



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: 4739/1

File Number: 2011/006781-1

Duration of Permit: From 12 January 2012 to 12 January 2014

### PERMIT HOLDER

City of Albany

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 4 on Deposited Plan 202465 (Centennial Park 6330)

Lot 1003 on Plan 149445 (Centennial Park 6330)

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.25 hectares of native vegetation within the area hatched yellow on attached Plan 4739/1.

### CONDITIONS

Nil.

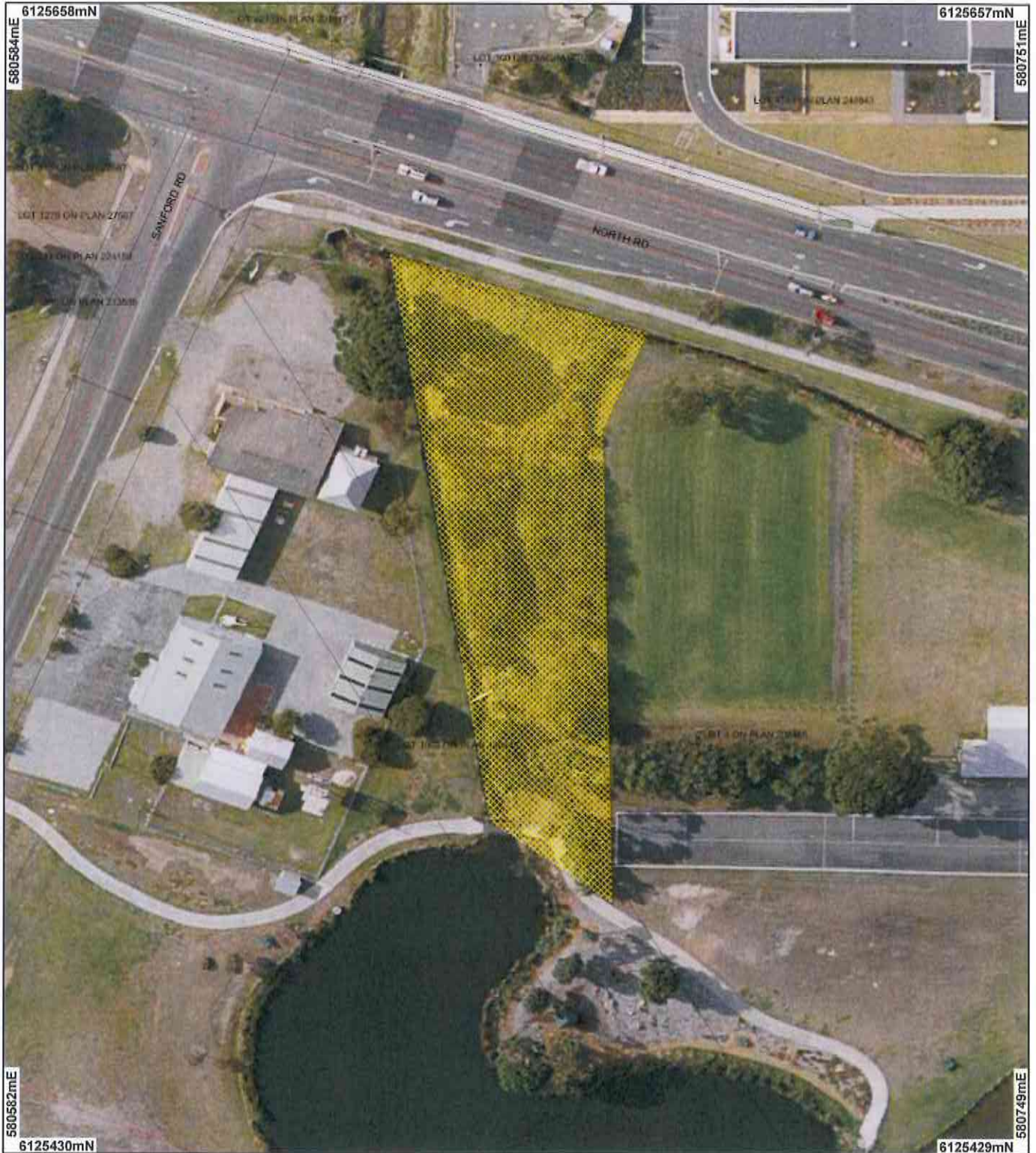
A handwritten signature in black ink, appearing to read "M Warnock", written over a horizontal line.

M Warnock  
A/MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

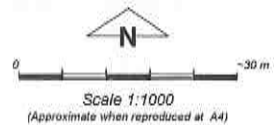
12 January 2012





**LEGEND**

- Road Centrelines
- Clearing Instruments
- Areas Applied to Clear
- Areas Subject to Conditions
- Areas Approved to Clear
- Cadastre for labelling
- Albany Townsite 20cm Orthomosaic - Landgate 2007



Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*M Warnock* Date 12/1/12

M Warnock

Officer with delegated authority under Section 20 of the Environmental Protection Act 1985

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

Our environment, our future  
WA Crown Copyright 2002



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 4739/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: City of Albany

### 1.3. Property details

Property: LOT 4 ON PLAN 202465 (House No. 94 SANFORD CENTENNIAL PARK 6330)  
LOT 1003 ON PLAN 149445 ( CENTENNIAL PARK 6330)  
Local Government Area: City of Albany

Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.25		Mechanical Removal	Drainage

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 12 January 2012

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Mapped Beard vegetation association 978 is described as Low forest; jarrah, Eucalyptus staeri & Allocasuarina fraseriana (Shepherd 2009).	The application proposes to clear up to 0.25 hectares of native vegetation within Lot 4 on Deposited Plan 202456 and Lot 1003 on Plan 149445, Centennial Park, for the purpose of stormwater drainage maintenance. The application will allow the eradication of introduced weed species from constructed stormwater drainage infrastructure and reshape drain into 'Living Stream' constructed wetland supporting the reintroduction of local providence native wetland sedges and plants amongst reinstated native riparian vegetation. This 'living stream' will form part of Council stormwater infrastructure whilst providing improved water quality, native fauna habitat, and re-establishment of endemic native vegetation into a constructed wetland suite (City of Albany 2011).	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The condition of the vegetation was determined through a Flora Survey and Vegetation Assessment (City of Albany 2011).

## 3. Assessment of application against clearing principles

The application proposes to clear up to 0.25hectares of native vegetation within Lot 4 on Deposited Plan 202456 and Lot 1003 on Plan 149445, Centennial Park, for the purpose of stormwater drainage maintenance.

The application will allow for the eradication of introduced weed species from constructed stormwater drainage infrastructure and reshape drain into 'Living Stream' constructed wetland supporting the reintroduction of local providence native wetland sedges and plants amongst reinstated native riparian vegetation. This 'living stream' will form part of Council stormwater infrastructure whilst providing improved water quality, native fauna habitat, and re-establishment of endemic native vegetation into a constructed wetland suite (City of Albany 2011). The vegetation is in a degraded (Keighery 1994) condition.

The application area falls within an artificial water body, and contains vegetation growing in association with a watercourse; therefore the application is at variance to Principle f.

Within the local area (10km radius) 28 fauna species of conservation significance have been recorded. The closest records are the Chuditch (*Dasyurus geoffroi*), (Threatened under the Wildlife Conservation Act (WC) 1950 and Vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) and the Baudins black cockatoo (*Calyptorhynchus baudinii*) (Endangered, WC Act 1950; Vulnerable, EPBC Act 1999), which were recorded within 1km from the application area (DEC 2007-). The application proposes to restore the native vegetation over the reshaped stream, which is likely to provide more suitable habitat for fauna. Therefore, the degraded vegetation under application is not considered to be significant habitat for indigenous fauna.

The assessment determined that the proposed clearing is not likely to significantly impact any biodiversity, habitat or environmental values or cause appreciable land degradation within the local or regional context.

Given the above, the application is at variance to (f), and is not likely to be at variance to the any of the remaining clearing principles.

**Methodology**   References  
 City of Albany (2011)  
 DEC (2007-)  
 Keighery (1994)

GIS Databases:  
 - Albany Townsite 20cm Orthomosaic - Landgate 2007  
 - SAC BioData sets  
 - Hydrography linear

**Planning instrument, Native Title, Previous EPA decision or other matter.**

**Comments**

The application proposes to clear up to 0.25hectares of native vegetation within Lot 4 on Deposited Plan 202456 and Lot 1003 on Plan 149445, Centennial Park, for the purpose of stormwater drainage maintenance.

The area under application is mapped as Parks and Recreation under the Town Planning Scheme.

There is an Aboriginal site of significance, Yakamia creek, adjacent to the application area. The applicant may have obligations under the Aboriginal Heritage Act 1972.

**Methodology**   GIS Databases  
 - Town Planning Scheme  
 - Aboriginal Sites of Significance

**4. References**

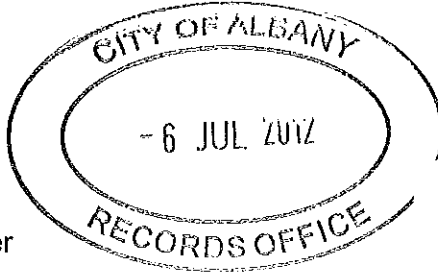
City of Albany (2011) flora survey and Vegetation Assessment For 94 Sanford Rd, Albany WA. DEC ref: A460147  
 DEC (2007 - ) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 10/1/2012.  
 Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.  
 Shepherd, D.P. (2009) Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.

**5. Glossary**

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)



Government of **Western Australia**  
 Department of **Environment and Conservation**



Chief Executive Officer  
 City of Albany  
 PO Box 484  
 ALBANY WA 6331

A134005  
 AGENDA ITEM 2.8 REFERS *Deb*

Your ref: A134005/PA38210/P2120114  
 Our ref: 27.3.IF (11/002192)  
 Enquiries: John Watson  
 Phone: (08) 98424500  
 Fax: (08) 98417105  
 Email: John.Watson@dec.wa.gov.au



City of Albany Records  
 Doc No: ICR1269109  
 File: A134005  
 Date: 06 JUL 2012  
 Officer: PA1

Attach.  
 Box  
 Voi  
 Box+Vol:

Attention: Deb Delury Planning Assistant

Dear Madam

**NOTICE OF APPLICATION FOR PLANNING CONSENT – DRAINAGE  
 INFRASTRUCTURE DEVELOPMENT (LIVING STREAM)**

Thank you for the opportunity for the Department of Environment and Conservation (DEC) to provide comment for upgrades to the existing drainage infrastructure – Development (Living Waters) at Pt Sub 4 North Road Centennial Park. Albany City Council has provided DEC with the necessary Clearing Permit Decision Report, a Flora Survey and Vegetation Assessment of the site and the restoration proposal.

The DEC South Coast Region made a brief inspection of the site from North Road and supports Council's request for Planning Consent.

Yours sincerely

Deon Utber  
 A/REGIONAL MANAGER

2 July 2012

**Deb Delury**

---

**From:** MCKEOUGH Karen [Karen.MCKEOUGH@water.wa.gov.au]  
**Sent:** Thursday, 5 July 2012 9:44 AM  
**To:** Deb Delury  
**Subject:** EF1268944 - A134005 - EF1260303 - A134005 - Living Stream Drainage Project  
**SynergySoft:** EF1268944 - A134005

Hi Deb,

The Department of Water has assessed the City of Albany's proposal to undertake a Living Stream drain restoration project.

The department supports this project and the restoration of urban drains to waterways that provide multiple uses – conveyance of floodwaters, ecological function and passive recreation.

The proposed works will complement the drain restoration works that the department is also undertaking on the Yakamia creek.

Regards,

**Karen McKeough**

Natural Resource Management Officer  
Department of Water - South Coast Region  
5 Bevan St (PO Box 525) ALBANY WA  
Ph: (08) 9841 0128  
Fax: (08) 9842 1204  
[karen.mckeough@water.wa.gov.au](mailto:karen.mckeough@water.wa.gov.au)

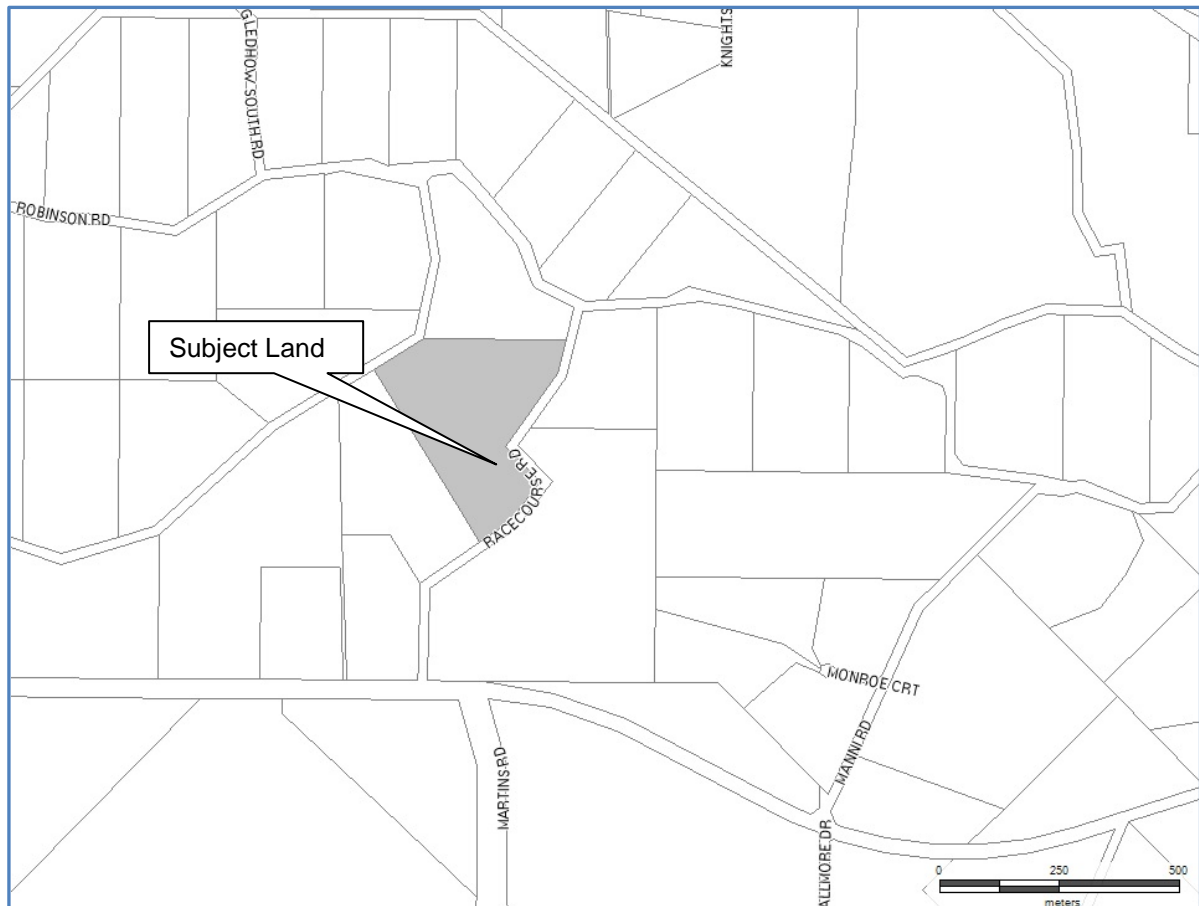
**Disclaimer:**

This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.

**2.9: FINAL APPROVAL OF AMENDMENT – LOT 5 RACECOURSE ROAD, ROBINSON**

<b>Land Description</b>	: Lot 5 Racecourse Road, Robinson
<b>Proponent</b>	: Harley Global
<b>Owner/s</b>	: M Paynter & M Bennett
<b>Business Entity Name</b>	: N/A
<b>Attachment (s)</b>	: Schedule of Submissions
<b>Councillor Workstation</b>	: Copy of OCM 21/02/12 – Item 2.12 : Amendment Document (AMD314) : Copy of submissions
<b>Responsible Officer(s)</b>	: Executive Director Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- Final approval is sought for the proposed scheme amendment to modify the Subdivision Guide Plan for Special Rural Zone No. 29 by amending the Development Exclusion Area on Lot 5 Racecourse Road, Robinson.

**ITEM 2.9: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **ADOPTS WITHOUT MODIFICATION** Amendment No. 314 to Town Planning Scheme No. 3 for the purposes of:
  - i) **Modifying the Subdivision Guide Plan for 'Special Rural' zone area no. 29 by amending the Development Exclusion Area on Lot 5 Racecourse Road to create an additional building envelope on the former sand extraction area adjacent to Racecourse Road; and**
  - ii) **Modifying the Scheme provisions accordingly.**
- 2) **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

**BACKGROUND**

1. Amendment No. 314 proposes to amend Town Planning Scheme (TPS) No. 3 by modifying the Subdivision Guide Plan (SGP) for Special Rural Zone No. 29 by amending the Development Exclusion Area on Lot 5 Racecourse Road, Robinson to create an additional building envelope within a former sand extraction area.
2. The development of Lot 5 Racecourse Road, which lies within Special Rural Zone No. 29, should be in accordance with the SGP and the Special Provisions set out in TPS No. 3, *Schedule 1 – Special Rural Zones*.
3. The current SGP specifies a Development Exclusion Area on Lot 5 to protect a band of remnant vegetation that runs from Lots 24 and 33 Racecourse Road to the east, through Lot 5, forming a link to Lot 80 Racecourse Road to the west and Lot 103 Robinson Road to the north.
4. However, the landowner has identified a preferred house site on a former sand extraction area within the eastern edge of the Development Exclusion Area on Lot 5 (proposed Lot 8 on the SGP), adjacent to Racecourse Road. Given that the Development Exclusion Area is fixed on the SGP and there is a requirement within the attendant scheme provisions for former sand extraction areas to be rehabilitated, a town planning scheme amendment is necessary, as it is the only statutory instrument that can be used to modify the Development Exclusion Area and scheme provisions.
5. At the Ordinary Council Meeting on 21 February 2012 it was resolved:

*“THAT Council in pursuance of section 75 of the Planning and Development Act 2005 resolves TO INITIATE Amendment No. 314 to Town Planning Scheme No. 3 without modification for the purposes of:*

- i) *Modifying the Subdivision Guide Plan for 'Special Rural' zone area no. 29 by amending the Development Exclusion Area on Lot 5 Racecourse Road to create an additional building envelope on the former sand extraction area adjacent to Racecourse Road; and*
  - ii) *Modifying the Scheme provisions accordingly."*
6. Council is required to consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed scheme amendment.

## **DISCUSSION**

7. The subject lot covers an area of 9.49ha and lies to the west of Racecourse Road, approximately 5km west of the Albany central area. The modification to the SGP concerns the former sand extraction area on proposed Lot 8 on the SGP. Proposed Lot 8 is relatively flat at its southern extent and rises towards the north, narrowing along the ridge that extends northward through Lot 5, adjacent to Racecourse Road. The flatter area of proposed Lot 8 and the former sand extraction area have been cleared, while the remainder of the proposed lot is covered by parkland cleared peppermint trees.
8. The surrounding land is primarily zoned 'Special Rural' and will be subject to the same planning controls as the subject lot, with only Lot 24 Racecourse Road to the east remaining in the 'Rural' zone.
9. Much of the subject lot is constrained by a Development Exclusion Area, which extends over the parkland cleared vegetation and the former sand extraction area. This is complimented by a notation on the SGP and a scheme provision, which require rehabilitation of the sand extraction area.
10. Although the flatter, cleared land at the southern extent of the subject lot could accommodate a dwelling and has an open aspect to the west, it is relatively low-lying and can become waterlogged in winter.
11. The proposed development area within the former sand extraction area is located where the landowner has indicated a desire to build. Although more elevated, this location is not atop the ridge, but rather between five and ten metres below the ridge, which rises to the north. The proposed development area is also surrounded to the south, west and north by the parkland cleared peppermint trees that grow across much of the lot. The trees will partially screen any new dwelling, thereby reducing its visual impact on the landscape.
12. It should also be noted that the existing cleared area is large enough to allow for the construction of a dwelling and the establishment of an appropriate building protection/hazard separation zone, in accordance with the methodology set out in *Planning for Bush Fire Protection Guidelines Edition 2*. The amendment documentation includes a fire management plan and a copy of written advice from the Department of Environment and Conservation, both of which recommend the establishment of a building protection/hazard separation zone of no less than 31m, (which may require minor pruning or thinning of trees on the periphery of the proposed development area), and the construction of any new dwelling to Australian Standard 3959 *Construction of Buildings in Bushfire Prone Areas* in order to withstand Bushfire Attack Level 19.



13. A further consideration is that one of the objectives of the 'Special Rural' zone is to "...allow for low intensity rural pursuits", which the flatter land at the southern end of the site would be suitable for. When viewed in this context, it makes practical sense to allow development of a dwelling and associated outbuildings in the proposed location, so as not to prejudice the use of the flatter land for rural pursuits.

### **GOVERNMENT CONSULTATION**

14. The amendment was referred to WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Health, Department of Water, and Department of Environment and Conservation for assessment and comment. Responses were received from WA Gas Networks, Water Corporation, Western Power, Department of Health, Department of Water, and Department of Environment and Conservation. These submissions are summarised, discussed and accompanied by appropriate recommendations in the attached Schedule of Submissions.

### **PUBLIC CONSULTATION / ENGAGEMENT**

15. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 3 May 2012 to 14 June 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in the local newspaper.
16. No submissions were received from adjoining/nearby landowners or members of the public.

### **STATUTORY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

19. There are no strategic implications relating directly to this item.

### **POLICY IMPLICATIONS**

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

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

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

**RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Potential bushfire risk</i>	<i>Likely</i>	<i>High</i>	<i>High</i>	<i>Application of the methodology set out in Planning for Bush Fire Protection Guidelines Edition 2 and Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.</i>

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

23. Section 75 of the *Planning Development Act 2005* allows Council to amend its Town Planning Scheme.
24. Regulation 17(2) (a) of the *Town Planning Regulations 1967* allows Council to adopt the Scheme with or without modification.

**ALTERNATE OPTIONS**

25. Council has the following options in relation to this item, which are:
- To adopt the Scheme Amendment without modifications;
  - To adopt the Scheme Amendment with modifications; or
  - To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.

**SUMMARY CONCLUSION**

26. The proposal will create an additional building envelope, as a preferred house site, on a former sand extraction area within the eastern edge of the Development Exclusion Area on Lot 5.
27. The proposal has adequately addressed environmental and fire management concerns and is broadly consistent with the objectives of SPP1.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1
<b>File Number (Name of Ward)</b>	AMD314 (Vancouver Ward)
<b>Previous References</b>	OCM 21/02/12 – Item 2.12

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 314**  
**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	The Environmental Protection Authority (EPA) has determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and that it is not necessary to provide any advice or recommendations.	Nil.	The submission is noted.
2	WA Gas Networks PO Box 3006 SUCCESS WA 6964	No objections.	Nil.	The submission is noted.
3	Water Corporation PO Box 915 ALBANY WA 6331	No objections.	Nil.	The submission is noted.
4	Western Power Locked Bag 2520 PERTH WA 6001	No objections. However, there are overhead powerlines and/or underground cables adjacent to, or traversing, the subject land.	Nil.	The submission is noted.
5	Department of Health	The DoH provides the following comment:  <b>1. Mosquito-borne Disease Control Programs and Service</b>  The project is proposed in a region where	As stated in the DoH submission, mosquito nuisance in this area is not of major concern. The City of Albany Environmental Health Officers undertake a mosquito monitoring and control program across the entire local	The submission is noted.

## AMENDMENT No. 314

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>mosquito-borne disease is not generally a major concern. However, under certain conditions the region can experience problems with nuisance and virus-carrying mosquitoes. Cases of Ross River virus have been reported in recent months from the Albany. Therefore, the relevant local government should identify health or nuisance impacts that could result from mosquitoes breeding in natural environments surrounding the proposed development site.</p> <p>There may be seasonal mosquito breeding habitat within close proximity to the subject land. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if poor engineering results in water retention, the growth of invasive vegetation and/or water stagnation.</p> <p>It is the recommended that the proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:</p> <p>Changes to topography resulting from</p>	<p>government area. If there are complaints from residents, or an increase in mosquito-borne disease is noted in a specific area, then the Environmental Health Officers will focus their attention on that area in an effort to reduce the mosquito population. Education with regard to reducing exposure to mosquitoes, and eliminating any areas that mosquitoes can breed, is also part of the Environmental Health Officers' roles.</p> <p>As part of the City of Albany's Planning approval process, both the Environmental Health and Planning Officers undertake an assessment of the application to ensure that the proposal does not impose a health or amenity impact.</p>	

## AMENDMENT No. 314

## SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			<p>earthworks (e.g. the installation of pipelines or roads) must prevent the run-off from creating surface ponding;</p> <p>Water tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding. If this cannot be achieved, regular monitoring for mosquito larvae and treatment with larvicide is required;</p> <p>Constructed water bodies (drainage infrastructure, ponds and swales, settling ponds, wetlands, etc.) must be located, designed and maintained (including removal of vegetation) so they do not create or contribute to mosquito breeding;</p> <p>The 'Chironomid midge and mosquito risk assessment guide for constructed water bodies' (Midge Research Group, 2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised.</p> <p>Mosquito-proof design be incorporated into building design for residential and recreation facilities (such as mosquito mesh on all</p>		

## AMENDMENT No. 314

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>doors and windows and the inclusion of an enclosed outdoor recreation area) in order to minimise exposure to mosquito bites.</p> <p><b>2. Scheme Amendments</b></p> <p>The new Public Health Bill will require integration of Public Health Planning into existing plan and strategies. This is an opportune time to start incorporating such public health principles and objectives into existing planning schemes and strategies.</p> <p>Health concerns about buffers are not limited to the industries and infrastructures. Consideration must be given to the need for adequate buffers to protect residents from lifestyle and public health impacts such as mosquitoes or pesticide spray drift from agricultural activities for example.</p> <p>You may wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process.</p>		
6	Department of Water PO Box 525	The subject site is located in within a Priority 2 Area of the South Coast Water Reserve	It is acknowledged that further assessment will be required to determine the site's suitability for	The submission is noted.

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.9 REFERS

## AMENDMENT No. 314

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
	ALBANY WA 6331	Public Drinking Water Source Area, with the water production bores located approximately 600m to the south. The rehabilitation of the former sand mining area would have created an area of additional permanent native vegetation that may have helped contribute to improved water quality in the Public Drinking Water Source Area. However, the impact would have been quite minor, so in this instance the department will not object to the creation of an additional building envelope in the former sand mining area. However, an assessment will be required to determine the site's suitability for onsite wastewater disposal.	onsite wastewater disposal. However, this will be addressed prior to development on the lot.	
7	Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330	DEC considers that proposed Town Planning Scheme Amendment No. 314 to create an additional building envelope on the former sand extraction area adjacent to Racecourse Road will not have a significant environmental impact for vegetation connectivity and fauna movement.  DEC supports the application of a Bushfire Attack Level 19 as per AS 3959 so that impacts to surrounding native vegetation	Nil.	The submission is noted.



## AMENDMENT No. 314

## SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			<p>can be minimized by applying the minimum 31m Hazard Separation Zone (HSZ).</p> <p>DEC recommends where the former sand extraction pit lies outside of the 31m HSZ that the previously established rehabilitation be allowed to continue to restore native vegetation.</p>		

**2.10: PRECINCT PLAN – SPECIAL SITE S46 – SPENCER PARK  
NEIGHBOURHOOD CENTRE PRECINCT**

- Land Description** : Various lots in and around Spencer Park neighbourhood centre
- Proponent** : Ayton Baesjou Planning
- Owner/s** : Department of Housing and various others
- Business Entity Name** : Great Southern Community Housing Association; Southern Aboriginal Corporation; Paceview Pty Ltd; Horizon Holdings Pty Ltd; Lionsville Albany Inc; Freemasons Homes; Perth Diocesan Trustees; Oliviam Pty Ltd; Regnis Group Pty Ltd; Reparto Holdings Pty Ltd; Primeking Pty Ltd
- Attachment(s)** : Draft Precinct Plan for Special Site S46 – Spencer Park Neighbourhood Centre Precinct
- Councillor Workstation** : Copy of OCM 19/05/2009 – Item 11.2.1  
: Copy of OCM 17/11/2009 – Item 13.2.4
- Responsible Officer(s)** : Executive Director Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- Consider whether to adopt the draft Precinct Plan for Special Site S46 – Spencer Park Neighbourhood Centre Precinct – for the purpose of public advertising.

**ITEM 2.10: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council adopts the draft Precinct Plan for the Spencer Park Neighbourhood Centre Precinct, for the purpose of public advertising, noting that prior to completion of the Precinct Plan, the following matters will be satisfactorily addressed:**

- **The potential impact of increased traffic on the area;**
- **the likelihood of traffic conflict involving ambulances travelling along Hardie Road to Albany Regional Hospital;**
- **staging of development; and**
- **the implementation of development, including contributions to public realm upgrades.**

**BACKGROUND**

1. In September 2006, a scheme amendment (No. 154) to change the R-Code densities of Lots 9-12, 29 and 30 Pretious Street, Lots 27, 28 and 68 Hardie Road, Lot 69 Nind Street and Lot 8 Wansborough Street, Spencer Park from R20 to R40 was supported by Council. The proposal was subsequently granted final approval by the Minister for Planning and Infrastructure in May 2007 and Gazetted in July 2007. This had, to some extent, established the basic principle of increasing the density of 'Residential' zoned land in the Spencer Park locality, which formed the basis for a subsequent scheme amendment (No. 171).
2. Amendment No. 171, sought to amend Town Planning Scheme (TPS) No. 1A by establishing a 'Special Site' covering the Spencer Park Neighbourhood Centre Precinct, which would modify the R-code densities and uses allowed within the Special Site area.
3. This concept originated from the *Spencer Park Urban Design Study* that was prepared by Mackay Urban Design on behalf of the Department of Housing and Works in March 2008 and builds upon the principle established by Amendment No. 154. The proposed boundary for the Special Site area was decided upon in consultation with City staff, taking into account the following criteria:
  - Walking distance from core commercial facilities;
  - maintaining similar density coding on both sides of a street;
  - acknowledging potential for infill as well as redevelopment; and
  - confining the extent of rezoning initially to facilitate a more intensive redevelopment.
4. The amendment was intended to facilitate the redevelopment of the commercial area around Hardie Road to create a mixed-use neighbourhood centre, while also enabling higher-density residential development to take place in the surrounding locality.
5. The scheme amendment was presented to Council at its ordinary meeting held on 19 May 2009 where it was resolved:

*"THAT Council, subject to the proposed building heights within the Central Sub-Precinct and the Mixed Use Precinct being reduced in accordance with Council's Residential Design Code Policy, in pursuance of Section 75 of the Planning and Development Act 2005 and*

Regulation 25(1)c of the Town Planning Regulations 1967 *resolves to INITIATE Amendment No. 171 to Town Planning Scheme No. 1A for the purpose of:*

- i) Establishing a 'Special Site' as provided for by Clauses 3.7 to 3.8 for a 'Hardie Road Precinct' and delineating this 'Special Site' as S46 on the Scheme Map'*
- ii) Changing the Residential Design Code density of areas within the proposed Special Site (S46) from R20 to R40 and R80 as listed in the proposed Appendix II below and indicated on the Scheme Amendment 'Proposed Zoning' map; and*
- iii) Modifying the uses permitted in the existing zones or reserves comprising the Special Site by introducing additional specifications for Site S46 in the Schedule to be set out in Appendix II."*

6. Following referral to the Environmental Protection Authority and Western Australian Planning Commission (WAPC) and completion of the public advertising process, the scheme amendment was returned to Council to be considered for final approval. At Council's ordinary meeting on 17 November 2009, it was resolved:

*"THAT Council in pursuance of section 75 of the Planning and Development Act 2005 and regulation 25(1)(c) of the Town Planning Regulations 1967 resolves to ADOPT WITH MODIFICATIONS Amendment No. 171 to Town Planning Scheme No. 1A as follows:*

- a) establish a 'Special Site' as provided for by Clauses 3.7 to 3.8 for a 'Hardie Street Precinct' and delineate this 'Special Site' as S44 on the Scheme Map;*
- b) change the Residential Design Code density of areas within the proposed Special Site (S44) from R20 and R40 to R40, R60 and R80 as listed in the proposed Appendix II and indicated on the Scheme Amendment 'Proposed Zoning' map; and*
- c) modifying the uses permitted in the existing zones or reserves comprising the Special Site by introducing additional specifications for site S44 in the Schedule to be set out in Appendix II."*

7. The scheme amendment was referred to the WAPC and following modification of the document (including designation as Special Site S46), approved by the Minister for Planning on 30 August 2010 and gazetted on 17 August 2010.
8. The draft Precinct Plan has been prepared to fulfill the conditions of Special Site S46. Council is now required to consider the draft Precinct Plan and determine whether to adopt it for the purpose of public advertising.

## **DISCUSSION**

9. The subject area covers the Spencer Park neighbourhood centre and surrounding streets. The land is primarily covered by the 'Residential' zoning, with the exception of Lots 50, 63, 65 and 73 Angove Road, which are zoned 'Local Shopping', Lot 72 Angove Road, which is zoned 'Service Station' and Lot 7055 Hardie Road and Lot 6906 Nind Street, which are zoned 'Clubs and Institutions' (see the zoning map under the 'Statutory Implications' section below).

10. The proposal aims to regenerate the existing Spencer Park commercial centre and its environs by establishing a framework that allows both the Department of Housing and the private sector to develop vacant land and redevelop existing properties to a higher density and with a greater mix of land uses than was previously permitted.
11. An increase in building density and mix of land uses (residences, shops, offices, etc.) should strengthen the role of the existing commercial centre as a focus for the community and ultimately lead to the creation of a neighbourhood centre with a broad range of amenities and a greater sense of place.
12. The schedule of provisions for the Special Site set out the minimum controls required for the following aspects of development:
  - permitted land uses;
  - plot ratio (floor area to site area ratio);
  - building height;
  - setbacks;
  - vehicle access;
  - on-site car parking requirements;
  - landscaping requirements; and
  - built form design requirements, including signage.
13. The draft Precinct Plan reinforces these development controls and presents conceptual plans and illustrates the type of development envisaged for the area, by way of examples from elsewhere in the State. The plan focuses on Hardie Road, close to the intersection with Angove Road, as this is the existing neighbourhood centre and envisaged as the future 'main street', within Spencer Park.
14. Although the plan broadly addresses the requirements set out in the conditions for Special Site S46, staff raised concerns with the Department of Housing over the following matters:
  - The potential impact of increased traffic on the area;
  - the likelihood of traffic conflict involving ambulances travelling along Hardie Road to Albany Regional Hospital;
  - staging of development; and
  - the implementation of development, including contributions to public realm upgrades.
15. The Department considers these to be matters that can be addressed through the advertising and referral process. Staff consider it appropriate to progress the proposal to this stage, subject to its referral to the Department of Transport, St John Ambulance and Albany Regional Hospital for formal comment.
16. The matters of staging and implementation are largely unknown at this time, as the Department of Housing cannot commit funding to the project without first having the Precinct Plan in place. However, they have indicated that funding for the initial stage of works could be put in place within 6 to 9 months of the Precinct Plan being finalised. The Department has also indicated that business owners in the neighbourhood centre are committed to developing their land or properties at the outset of the project, and to contributing to the cost of public realm improvements, which will encourage further development of the surrounding area.

17. The Department have also identified the project as being potentially eligible for funding as part of their 'New Living' urban renewal programme, which is already proving successful in a number of other locations in Western Australia.
18. The programme was established to ensure the consolidation and redevelopment of a number of highly visible areas of Department of Housing and Works' responsibility, with the following key objectives:
  - The reduction of high concentrations of public housing;
  - the refurbishment of houses for sale to both the public and existing tenants;
  - better land utilisation through the re-subdivision/refurbishment of public rental housing;
  - infrastructure enhancements (upgrading of streetscapes and open space); and
  - community development.
19. Overall, the draft Precinct Plan is consistent with contemporary planning principles and State policies that deal with growth and development. In addition, it is part of a State Government initiative to consolidate and redevelop areas of existing and former public housing.
20. Staff would recommend that Council adopt the Draft Precinct Plan for the purpose of public advertising.

#### **GOVERNMENT CONSULTATION**

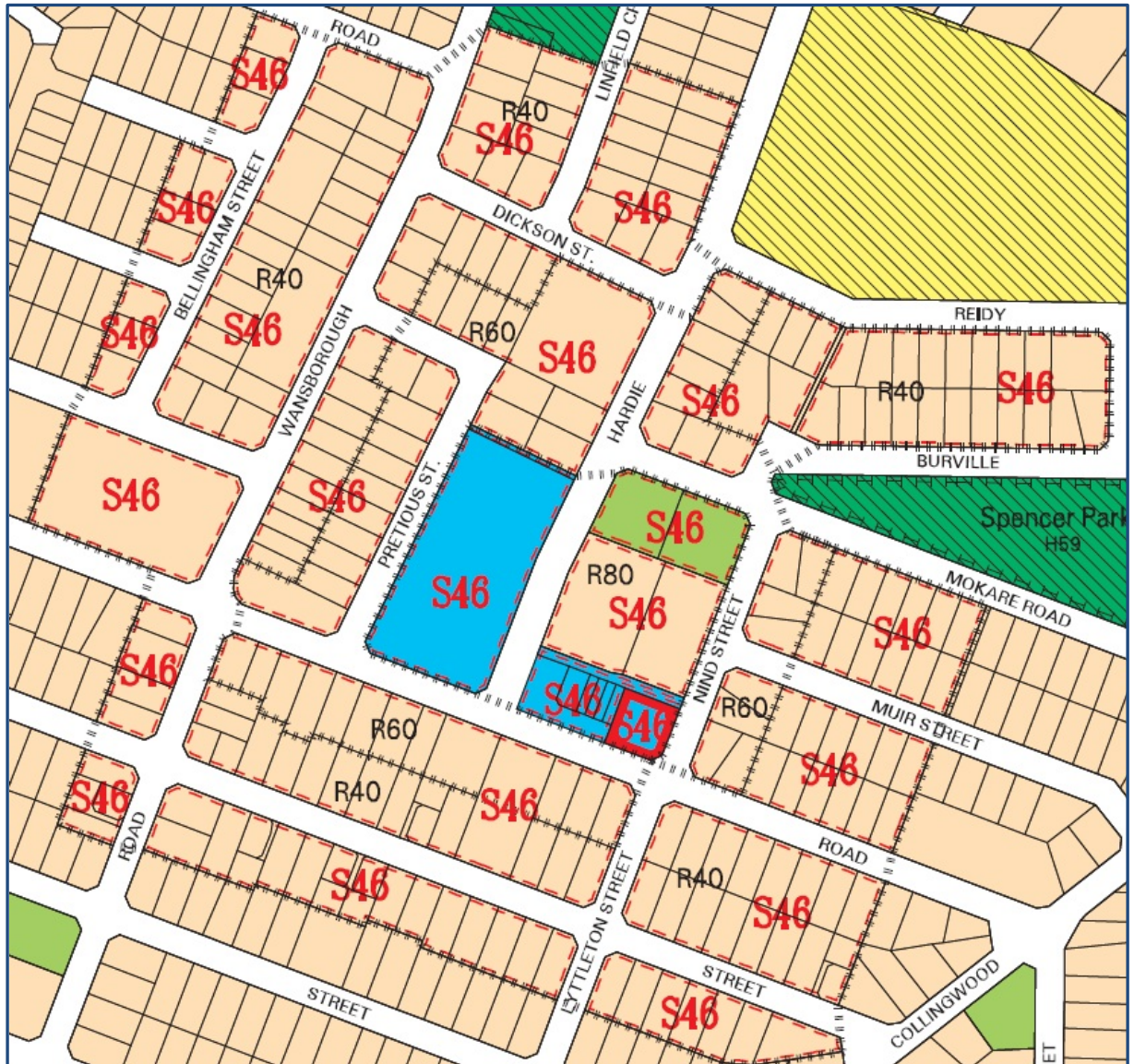
21. Should Council adopt the draft Precinct Plan for the purpose of public advertising, it will be referred to all relevant Government agencies for assessment and comment.

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

22. Should Council resolve to adopt the draft Precinct Plan for the purpose of public advertising, it will be advertised in accordance with Clause 4.49(a) of Town Planning Scheme (TPS) No. 1A (see paragraph 24 below).

#### **STATUTORY IMPLICATIONS**

23. The subject lot is primarily zoned 'Residential', with the exception of Lots 50, 63, 65 and 73 Angove Road, which are zoned 'Local Shopping', Lot 72 Angove Road, which is zoned 'Service Station' and Lot 7055 Hardie Road and Lot 6906 Nind Street, which are zoned 'Clubs and Institutions'. All of the subject land is covered by Special Site S46 and assigned R-Code densities ranging from R40 to R80, as per the zoning map, below:



24. Clauses 4.47 to 4.49 of TPS No. 1A set out the processes to develop and adopt a Precinct Plan. They also provide direction on what functions the Precinct Plan shall have in the decision-making process.

“4.47 The Council shall neither approve nor adopt a Precinct Plan unless the Precinct Plan shows or otherwise clearly describes the following:

- (a) The proposed use of the land within the Precinct, including both public and privately owned land;
- (b) The location and dimensions of any roads, pedestrian and cycle paths, car parking areas, public open spaces and other reserves;
- (c) The number of cars which any parking areas are designed to accommodate;
- (d) The boundaries and approximate dimensions of any lots to be created through the subdivision of land within the Precinct;
- (e) The planned disposition of buildings in terms of height and setbacks from lot or reserve boundaries.

- 4.48 *The Council may also require that a Precinct Plan show or otherwise describes the following:*
- (a) *The type and colour of the paving materials which are proposed to be used in the construction of roads, paths and public open spaces;*
  - (b) *Indicative designs of any buildings to be constructed;*
  - (c) *The location and form of outdoor furniture or any other artefact proposed to be placed within any public space;*
  - (d) *The location, quantities and species of any plants which are to be used for landscaping the Precinct; and*
  - (e) *Any other detail which the Council, at its discretion, considers necessary or desirable for the Precinct Plan to show or describe.*
- 4.49 *The Council shall not adopt a Precinct Plan until after the following procedures have been completed:*
- (a) *The Council, having first approved the Precinct Plan, shall publish a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the Precinct Plan may be inspected, and in what form and during what period submissions may be made.*
  - (b) *The Council shall review the Precinct Plan in the light of any submissions received and shall then resolve either to formally adopt the Precinct Plan with or without modification, or not to adopt the Precinct Plan.*
  - (c) *Following final adoption of a Precinct Plan, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.”*

## **STRATEGIC IMPLICATIONS**

25. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
26. ALPS section 5.2 – *Commerce* contains the following Planning Principle:

*“Albany to remain the commercial/retail regional centre of the Lower Great Southern, supported by neighbourhood and local centres within the City.”*

It expands on this principle by stating that:

*“As the regional centre of the Great Southern, Albany will continue to provide services for a broad range of activities including retailing, administration, government and social, cultural, tourist-related and inner-city residential living needs. The regional centre is supported by neighbourhood centres catering for bulk shopping, residential service needs, office accommodation and medical and welfare services. Local centres provide smaller-scale shopping, convenience retailing and service needs.”*



27. Section 5.2.2 – *Other business activity* sets the following Planning Objective:

*“Provide appropriate locations for establishing and growing business activity.”*

The following action is then identified for neighbourhood centres, in order to meet the Planning Objective:

*“Encourage through precinct and structure plans in the LPS1 development of smaller offices and consulting rooms within neighbourhood centres.”*

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

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

The ALPS expands on this by stating that *“urban infill development complements the urban-consolidation strategy and aims to maximise the use of existing residential and other types of land no longer economically viable.*

*It is also expected that the Albany City Centre and urban neighbourhood centres will support new medium-density (R30 to R60) residential developments. Development will occur initially on small parcels of vacant land or as redevelopments of older housing. The increased residential densities will cater for smaller households, such as accommodation for seniors.*

*Some key issues associated with urban infill are land-use compatibility, availability and the capacity of existing services – particularly sewers and drainage – to facilitate development. Other infill factors to be addressed include existing lot sizes, achieving quality design, provision of enough of public open space, security and transport access. The key to successful infill is establishment of the most appropriate implementation mechanisms for specific developments, which can be statutory or non-statutory. In the past, rigid guided development schemes in Albany’s urban area have not been successful because they have been responsible for slow rate of development and uptake.”*

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

## **POLICY IMPLICATIONS**

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

### **31. SPP 1 – State Planning Framework**

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

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

### ***“Environment***

*The protection of environmental assets and the wise use and management of resources are essential to encourage more ecologically sustainable land use and development. Planning should contribute to a more sustainable future by:*

- i. promoting the conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;*
- ii. assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;*
- iii. protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values from inappropriate land use and development;*
- iv. adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and*
- v. preventing environmental problems which might arise as a result of siting incompatible land uses close together.*

### ***Community***

*Planning anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities. Planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by:*

- i. accommodating future population growth and providing housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;*
- ii. providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;*
- iii. integrating land use and transport planning and promoting patterns of land use which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars;*
- iv. encouraging safe environments, high standards of urban design and a sense of neighbourhood and community identity;*
- v. promoting commercial areas as the focus for shopping, employment and community activities at the local, district and regional levels; and*
- vi. providing effective systems of community consultation at appropriate stages in the planning and development process.*

### ***Economy***

*Planning should contribute to the economic well-being of the State, regions and local communities by supporting economic development through the provision of land, facilitating decisions and resolving land use conflicts. In particular, planning should provide for economic development by:*

- i. providing suitable zoned and serviced land for industry, business and other employment and wealth generating activities;*
- ii. protecting agricultural land resources from inappropriate uses;*
- iii. avoiding land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts;*
- iv. promoting local employment opportunities in order to reduce the time and cost of travel to work;*

- v. *providing sites for tourism accommodation and facilities taking account of their special location and servicing needs; and*
- vi. *ensuring that plans and policies are clear and certain, decisions are made in accordance with plans and policies, and decisions are made expeditiously.*

**Infrastructure**

*Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated and provided in a way that is efficient, equitable, accessible and timely. This means:*

- i. *planning for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes and essential services;*
- ii. *protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use and development;*
- iii. *facilitating the efficient use of existing urban infrastructure and human services and preventing development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services; and*
- iv. *encouraging consultation with providers of infrastructure, to ensure they have regard to planning policies and strategic land use planning when making their investment decisions, in order to ensure that land use and development are closely integrated with the provision of infrastructure services.”*

It is considered that the proposal:

- adopts a risk-management approach which aims to avoid or minimise environmental degradation and hazards;
- prevents environmental problems which might arise as a result of siting incompatible land uses close together;
- accommodates future population growth and provides housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;
- provides land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;
- promotes patterns of land use which reduces the need for transport and reduces the dependence on private cars;
- encourages safe environments, high standards of urban design and a sense of neighbourhood and community identity;
- promotes commercial areas as the focus for shopping, employment and community activities at the local level;
- provides suitable zoned and serviced land for business and other employment and wealth generating activities;
- promotes local employment opportunities in order to reduce the time and cost of travel to work;
- will ensure that decisions are made in accordance with plans and policies, and decisions are made expeditiously; and
- plans for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure.

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

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

The key policy objectives in SPP 3 are as follows:

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.”*

It is considered that the proposal will:

- build on an existing community with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in that community;
- manage the growth and development of an urban area in recognition of relevant climatic, environmental and community values and constraints;
- promote the development of a sustainable and liveable neighbourhood form, which reduces energy and travel demand, while providing choice and affordability of housing and creating an identifiable sense of place for the community; and
- coordinate new development with the efficient, economic and timely provision of infrastructure and services.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Not adopting the draft Local Planning Scheme policy will prevent the development of the land, as it will not be possible to fulfil the conditions relating to Special Site S46.</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Mitigation is entirely dependent on Council's decision.</i>

**FINANCIAL IMPLICATIONS**

34. The appropriate planning fee has been received and staff have processed the application within existing budget lines.

**LEGAL IMPLICATIONS**

35. There are no legal implications in relation to this item.

**ALTERNATE OPTIONS**

36. Council has the following options:

- Adopt the draft Precinct Plan for the purpose of public advertising, without modification;
- Adopt the draft Precinct Plan for the purpose of public advertising, subject to modification;
- or
- Not adopt the draft Precinct Plan for the purpose of public advertising.

**SUMMARY CONCLUSION**

37. The adoption of the draft Precinct Plan will be necessary to address the conditions relating to Special Site S46 and allow the development of the land to take place.

38. The draft Precinct Plan is consistent with the objectives of the ALPS and SPP's 1 and 3. It is therefore considered appropriate that Council adopts the draft Precinct Plan for the purpose of public advertising.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	ODP014 (Breaksea Ward)

# SPENCER PARK PRECINCT PLAN

**DRAFT**



PREPARED BY  
**AYTON BAESJOU PLANNING**  
IN ASSOCIATION WITH  
**ROBERTS GARDINER ARCHITECTS**  
**OPUS INTERNATIONAL**

**MAY 2012**

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**1. INTRODUCTION**

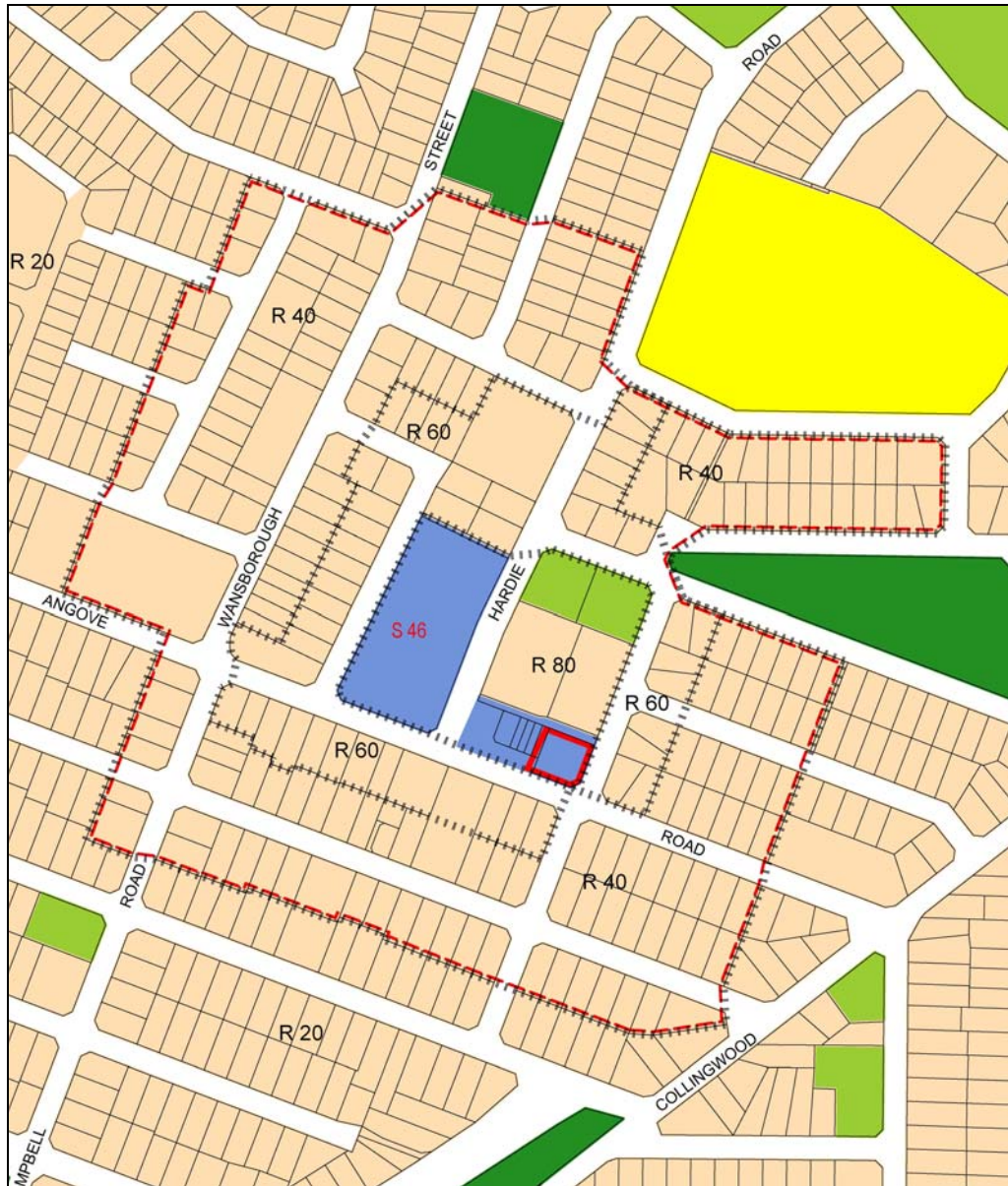
Following preparation of an Urban Design Study by Mackay Urban Design in March 2009 into redevelopment of a number of landholdings in the vicinity of the Spencer Park Local Centre, a scheme amendment (No 170) was subsequently prepared to change the R-Code density around the centre and to adjust the development control provisions relating to the identified sub precincts covering the study area. The amendment was gazetted on the 17th August 2010

One of the conditions of the development control provisions is the requirement to prepare a Precinct Plan in accordance with Clauses 4.48 - 4.50 of the Scheme and be approved by the local government prior to any subdivision or development within the study area. The Precinct Plan, once adopted by Council, will become the development control plan for the Spencer Park Precinct, providing design guidelines and development provisions.



**2. PRECINCT PLAN AREA**

The Precinct Plan Area is defined by the 'Special Site S46' area as shown on the Town Planning Scheme No. 1A scheme map. Refer to Zoning Plan below.



**LOCAL SCHEME RESERVES**

- Parks And Recreation
- Public Use

**ZONES**

- Residential
- Local Shopping
- Service Station
- Clubs and Institutions

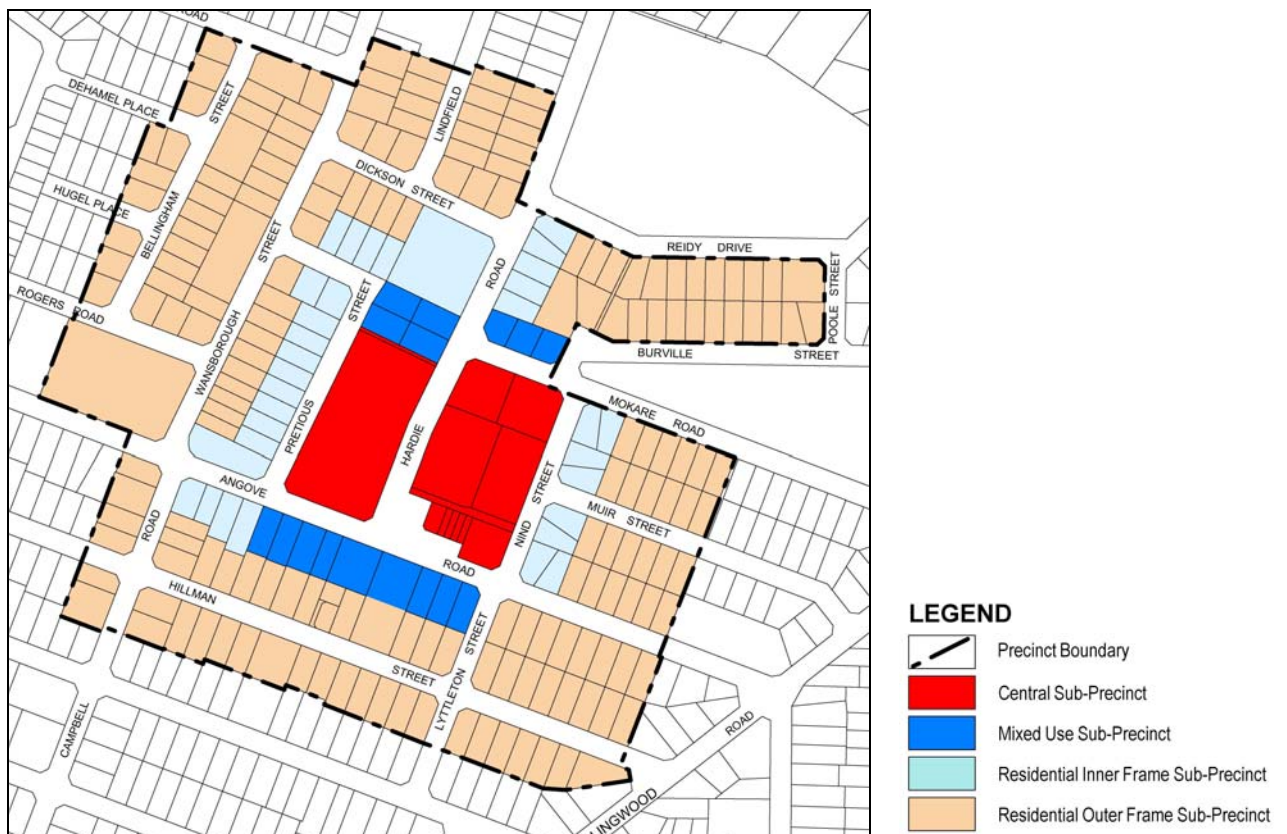
**OTHER**

- R Codes
- Special Site

**Zoning Plan**

The various sub precincts are identified on the Precinct Plan below and include:

- The Central Sub-Precinct which includes the Spencer Park Shopping Centre, service station and adjacent shops fronting Angove Road and Hardie Road, the medical centre and vacant Lots 68 & 69 on the eastern side of Hardie Road. An R80 density code (with an R60 minimum) applies to the area and a variety of commercial uses can also be developed in the precinct.
- The Mixed Use Sub-Precinct incorporates lots immediately to the north of the shopping centre, medical centre and day care/health centre and lots on the southern side of Angove Road. An R60 Density Code (with an R 40 minimum) applies and a number of commercial uses such as professional offices and consulting rooms may also be permitted in the area.
- Surrounding the Central and Mixed Use Precincts, is the Residential Inner Frame Sub-Precinct with an R60 density code (with an R40 minimum).
- The Residential Outer Frame Precinct occupies the balance of the Precinct and has an R40 density code.



**Precinct Plan**

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### **3. PLANNING CONTEXT**

The planning context for the Precinct Plan is provided in a number of documents which include:

- City of Albany Local Planning Strategy
- City of Albany Town Planning Scheme No. 1A
- Local Planning Policy 7L Neighbourhood Centres
- WAPC: Statements of Planning Policy
  - SPP3 Urban Growth & Settlement
  - Liveable Neighbourhoods

In terms of the overall goals, objectives, policies and guidelines, the documents are mutually supportive in terms of the key elements associated with the development of neighbourhood centres. These key elements include:

- The importance of neighbourhood centres in providing local employment in retail, residential service needs, office accommodation and medical and welfare services.
- The consolidation of medium density residential development, including mixed use development within close proximity of the neighbourhood centre.
- Provision of a wider variety of housing types.
- Promotion of a more sustainable form of development which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes of travel.
- Creation and enhancement of community identity, sense of place, liveability and social interaction through good urban design.
- Provision of active street-land use interfaces to improve personal safety through increased surveillance and activity.

#### **3.1 Town Planning Scheme No. 1A**

As noted in the introduction above, Town Planning Scheme No. 1A has recently been amended to rezone the whole precinct as a 'Special Site' (S46) which identifies the four sub-precincts, their associated density codes, additional uses and development conditions.

Lot 50 accommodates the Spencer Park Shopping Centre and together with the older strip shopping fronting Angove Road, are zoned 'Local Shopping'. Overall retail floor space is currently approximately 2055m<sup>2</sup> NLA and Table 1 - Shopping Centre of the Scheme Text allows for a maximum of 3500m<sup>2</sup> NLA, and Council may approve up to 5000m<sup>2</sup> NLA, but only where in the opinion of Council the additional floor space is warranted and an economic impact assessment has demonstrated that there will not be significant detrimental impacts on existing or proposed shopping centre.

The Mackay Concept Plan proposes to add approximately 1680m<sup>2</sup> of NLA area to the Spencer Park Shopping Centre on Lot 50 and 445m<sup>2</sup> NLA to the strip Shopping Centre fronting Angove Road. Together that comprises a total additional floor space of 2125m<sup>2</sup> NLA, effectively doubling the existing retail floor space of the centre to 4180m<sup>2</sup> NLA. In addition, approximately 2000m<sup>2</sup> of commercial development is proposed on the ground floor of proposed mixed use development on Lot 68 and on the south east corner of Lot 50 and a doubling of the size of the medical centre on the corner of Hardie and Mokare Roads.

Car parking requirements set out in Town Planning No. 1A require 1 car bay per 20m<sup>2</sup> NLA. Currently approximately 171 car bays are provided within the Spencer Park Shopping Centre complex and a further 33 bays adjacent to the strip shopping on Angove Road. This is well in excess of the current requirements for 103 car bays and would also be sufficient to accommodate the 175 car bays required to meet the maximum floor space allowance of 3500m<sup>2</sup> NLA.

To meet the ultimate floor space of 5000m<sup>2</sup> NLA, 250 car bays would be required. The Mackay Concept Plan provides for approximately 350 car bays which would accommodate the maximum size of the centre as well as associated mixed use development.

### **Landuse Controls**

Within the Central Sub-Precinct, the land is zoned 'Local Shopping', 'Clubs and Institutions', 'Residential (R80)' and 'Special Site' which provides for a wide range of retail, commercial and community uses. The table overleaf identifies the uses that may be considered for approval within the various zones contained within the Precinct and the additional uses that may be considered within the 'Special Site-S46' designation.

Town Planning Scheme No. 1A

	Residential	Local Shopping	Service Station	Clubs & Institutions
Aged Person's Dwelling	AA	X	X	X
Aged Person's Home	SA	X	X	X
Aged Person's Village	SA	X	X	X
Ancillary Accommodation	IP	X	X	X
Caretaker's House	IP	IP	IP	IP
Car Park	IP	IP	IP	IP
Cinema	X	X	X	AA
Club Premises	SA	X	X	IP
Consulting Rooms	SA	P	X	IP
Day Care Centre	SA	AA	X	IP
Drive-in Theatre	X	X	X	SA
Dry Cleaning Premises	X	AA	X	X
Education Establishment	SA	X	X	SA
Fast Food Outlet	X	AA	AA	X
Grouped Dwelling	AA	X	X	X
Holiday Accommodation	SA	X	X	X
Home Business	SA	X	X	X
Home Occupation	SA	X	X	X
Hospital	SA	X	X	SA
House of Worship	X	X	X	SA
Infant Health Clinic	SA	AA	X	P
Institutional Building	SA	X	X	SA
Institutional Home	SA	X	X	SA
Laundromat	IP	AA	X	X
Liquor Store	X	SA	X	X
Medical Clinic	X	SA	X	SA
Multiple Dwelling	AA	X	X	X
Museum	X	AA	X	P
Office	X	AA	X	X
Private Recreation	X	X	X	P
Public Amusement	X	X	X	AA
Public or Local Authority	X	X	X	AA
Residential Building	SA	X	X	X
Restaurant	X	P	X	IP
Service Station	X	AA	P	X
Service Store	SA	P	X	X
Shop	X	P	X	X
Single House	P	X	X	X
Squash Courts	X	X	X	AA
Tavern	X	X	X	SA
Veterinary Clinic	X	SA	X	X

Special Site – S46

Central Sub-Precinct	Mixed Use Sub-Precinct
	AA
AA	
AA	AA
AA	
AA	
	AA
	AA
AA	
AA	
AA	AA
AA	
AA	
AA	
AA	AA
AA	

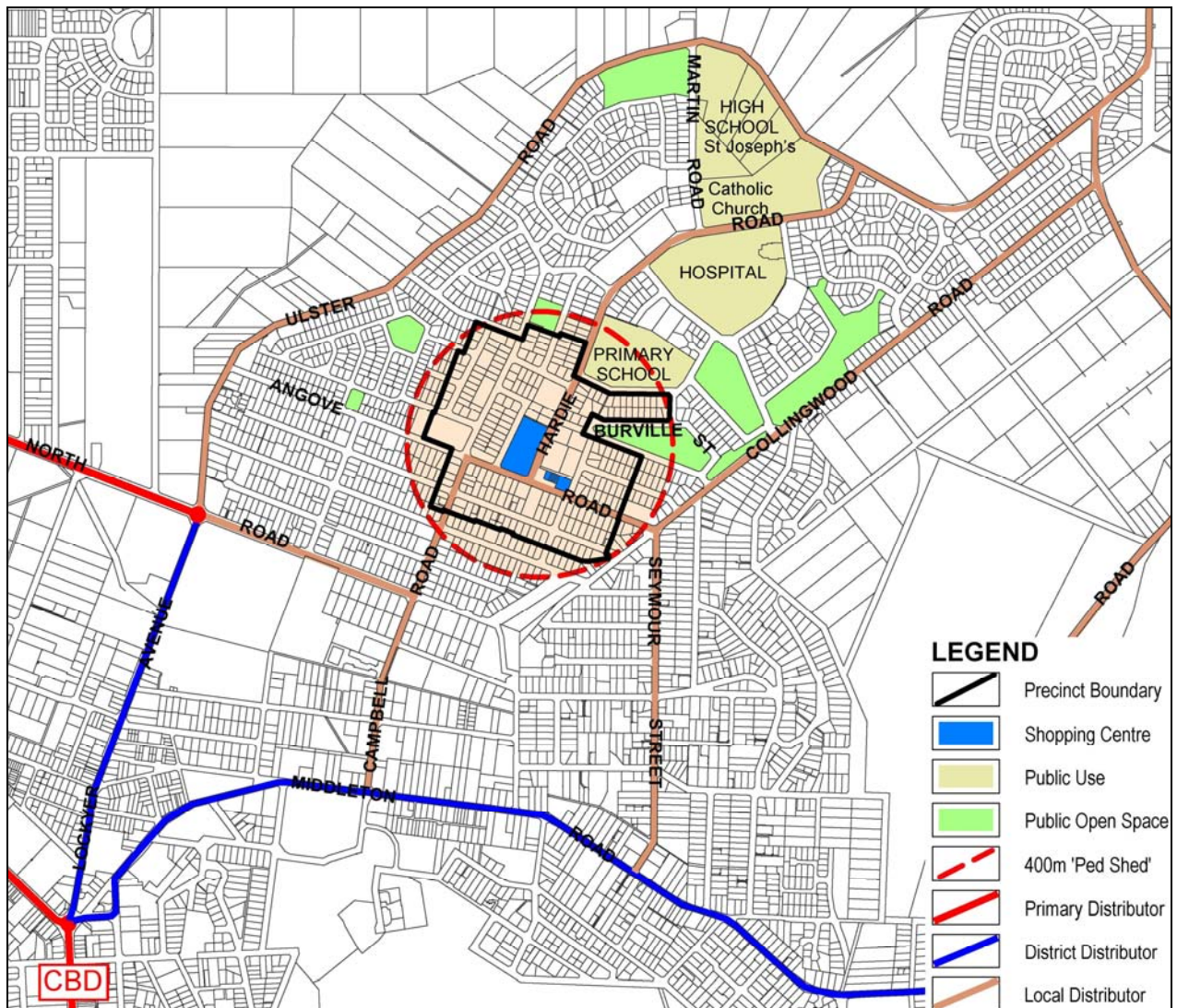
The symbols used in the cross-reference on the zoning table have the following meanings:

- P = a use that is permitted subject to the provisions of this Scheme.
- AA = a use that is not permitted unless planning consent is granted by the Council.
- SA = a use that is not permitted unless planning consent is granted by the Council after notice has been given in accordance with Clause 7.5.
- X = a use that is not permitted.
- IP = a use that is not permitted unless such use is incidental to the predominant use of the land as determined by Council.

**4. BACKGROUND**

**4.1 Site and Context Analysis**

The Spencer Park Shopping Centre is centrally located within the Spencer Park residential suburb which is bounded by North Road, Ulster Road and Collingwood Road. The Precinct Plan area is largely contained within a 400 metre radius centred on the shopping centre. (Refer Site Context Plan.) Angove Road abuts the southern boundary of the shopping centre, running roughly east west between Ulster Road and Collingwood Road. Hardie Road runs north south along the eastern boundary of the shopping centre and is the main access to Spencer Park Primary School and Albany Regional Hospital to the north.



**Site Context Plan**

The surrounding street layout is largely based on a traditional grid street layout which facilitates access to and from the centre and distributes traffic much as recommended in 'Liveable Neighbourhoods'.

**4.1.1 Central Sub-Precinct.**

The shopping centre is the dominant element within the Central Sub-Precinct and consists of a standard box design with an internal mall separating the supermarket from the specialty shops. The building is surrounded by bitumen parking with minimal landscaping to offset the generally unattractive appearance of the centre.



**Photo 1: Spencer Park Shopping Centre**



**Photo 2: Strip shopping centre on Angove Road.**

Traditional strip shopping consisting of several shops and a service station are located on the corner of Angove and Hardie Roads opposite the main shopping centre.



**Photo 3: Medical centre**

A medical centre is located on the corner of Hardie and Mokare Roads at the northern end of the precinct and behind is located a day care and health care centre.





**Photo 4: Vacant Land on the east side of Hardie Road.**

Immediately to the east of the shopping centre are two large vacant sites which run through from Hardie Road to Nind Street. The sites were formerly occupied by Department of Housing residential flats, which were demolished several years ago and are a significant blight on the area. In protest at the lack of action to redevelop the site, the fencing has been adorned with socks by members of the local community.



**Photo 5: Hardie Road**

The main streets within the Central Sub-Precinct are devoid of street trees and are dominated by unattractive overhead power lines.

**4.1.2 Mixed Use Sub-Precinct**

The Mixed Use Sub-Precinct abuts the northern and southern boundaries of the Central Sub-Precinct, consisting of four vacant lots immediately to the north of the shopping centre, three lots ranging in size from 716m<sup>2</sup> to 766m<sup>2</sup> which have been developed with single residential housing on the northern side of Mokare Road, and a number of lots to the south of the centre on Angove Road. The latter are a mix of single residential houses on larger lots of around 900m<sup>2</sup> to 1000m<sup>2</sup> in area and older single storey grouped housing on amalgamated sites.



**Photo 6: Vacant land to the north of the shopping centre.**



**Photo 7: Lots on the northern side on Mokare Road.**



**Photo 8: Housing on southern side of Angove Road.**

#### **4.1.3 Residential Inner Frame Sub-Precinct**

The Residential Inner Frame Sub-Precinct together with the Mixed Use Sub-Precinct surrounds the Central Sub Precinct and consists predominately of single residential housing on lots of between 700m<sup>2</sup> to 800m<sup>2</sup>. A large strategically located lot of 2000m<sup>2</sup> is located on the corner of Angove Road, Wansborough and Pretious Streets and the Lionsville aged person home complex is located on the corner of Hardie Road and Dickson Street. Housing condition ranges from poor to average with the occasional new or renovated house interspersed. While footpaths have been constructed on at least one side of the street, street trees are lacking and the streetscape is generally unattractive.



**Photo 9: Strategic redevelopment site on corner of Angove Road and Wansborough Street.**



**Photo 10: View north down Nind Street.**



**Photo 11: Lionsville Aged Persons Complex on the corner of Hardie Road and Dickson Street.**

#### 4.1.4 Residential Outer Frame Sub-Precinct

The balance of the precinct consists of the Residential Outer Frame Sub-Precinct which incorporates lots on Hillman, Lyttleton, Muir, Burville, Dickson and Wansborough Streets, Campbell, Angove and Mokare Roads, Reidy Drive and Lindfield Crescent. Apart from Hillman Street where lots are predominately larger, ranging from 900m<sup>2</sup> to 1000m<sup>2</sup>, the majority of lots within the Outer Frame Sub-Precinct range between 700m<sup>2</sup> to 800m<sup>2</sup>. A number of sites have been amalgamated to create grouped housing sites.



**Photo 12: New Housing on Hillman Street together with recent battleaxe subdivision.**



**Photo 13: Redeveloped brick & tile housing on Hillman Street.**



**Photo 14: Grouped Housing on Wansborough Street.**



**Photo 15: Renovated housing on Mokare Road.**



**Photo 16: Fibro cottages in Burville Street.**



**Photo 17: Grouped Housing on Bellingham Street.**



**Photo 18: Recent infill housing on 500m<sup>2</sup> lots on Wansborough Street**



**Photo 19: Housing for sale on corner of Wansborough Street and Rogers Road.**



As the prevailing density code has until recently been R20 the lot sizes have not facilitated redevelopment or subdivision except along Hillman Street where lot sizes allow for battle axe subdivision to occur. The slope of the land and outlook to Mt Clarence appear to have also encouraged subdivision and up-grading of housing which is generally of a better standard when compared with the remainder of the Sub-Precinct.

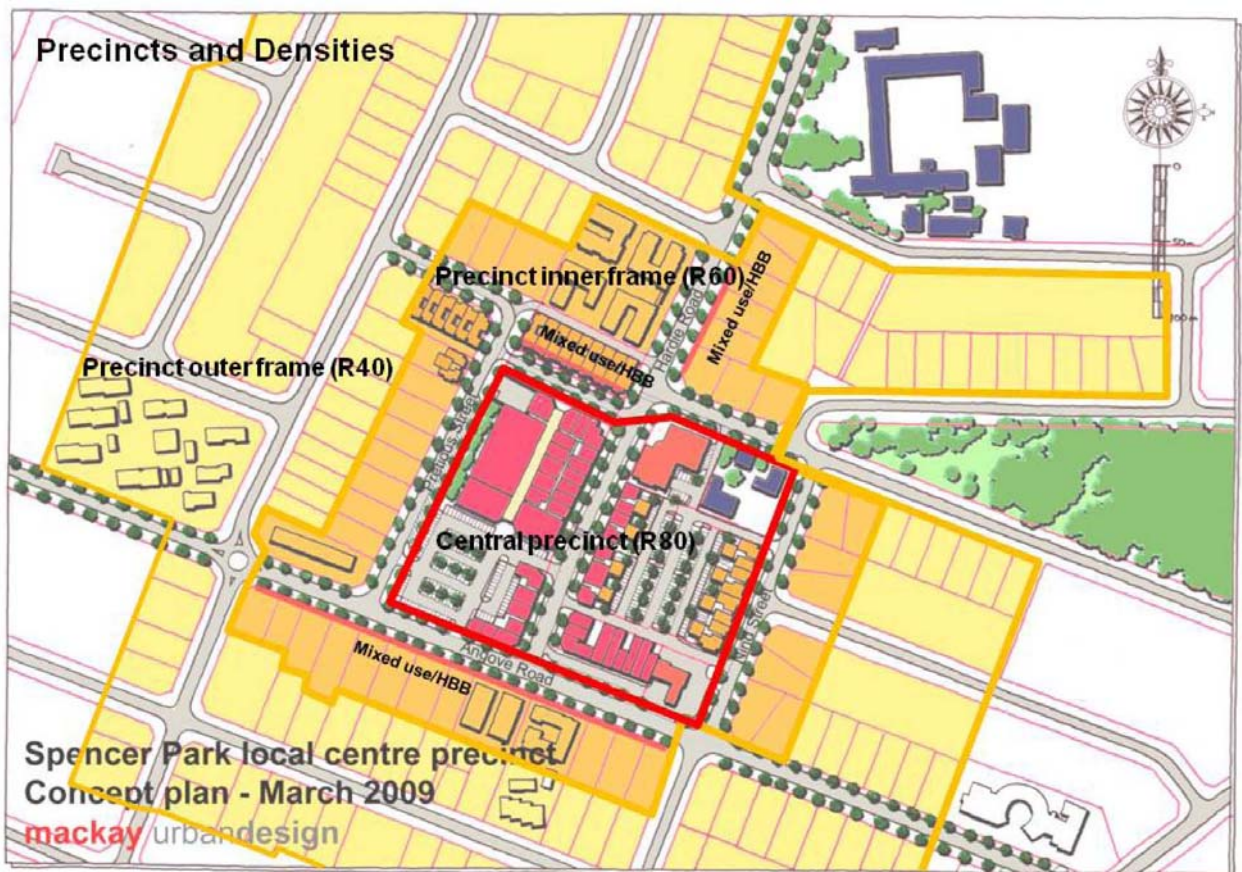
Footpaths are absent from most of the streets and the lack of street trees and concentration of Department of Housing property, some of which is in a poor condition, contributes to a drab residential appearance.

#### **4.2 Urban Design Concept**

The Main elements of the Design Concept prepared by Mackay Urban Design are:

- Establishment of a 'main street' environment along Hardie Road to provide a context for a mix of retail and other commercial uses, and to unite the two existing and disparate retail elements of the centre.
- Identification of a centre core with intensive development and a centre frame with moderately intensive development, that together focus redevelopment close to the centre rather than dispersing it through the suburb as a whole.
- Introduction of mixed use development within the centre to increase the population within close walking distance of facilities and to provide opportunities for passive surveillance of the centre after normal business hours.
- Minor expansion of the retail components to enable them to form a defined street edge to the new main street and generate more activity on the street.
- A greater use of on-street parking where a high degree of reciprocity of use delivers more land-efficient parking provision.
- Location of larger car parking areas behind buildings where possible so that large and unattractive expanses of bitumen don't detract from the quality of the street environment.

- Provision of a range of possible housing types to appeal to the needs and aspirations of a broader cross section of the community, including apartments, terraced town houses, home - based business units and grouped housing.
- Establishment of a new east-west street immediately to the north of the shopping centre, linking Pretious Street with Hardie Road and formalising a strong pedestrian desire line.
- Incorporation of a streetscape improvement program to provide greater pedestrian amenity within the streets of the centre.
- A greater scale of building (three storeys) to create a more identifiable streetscape enclosure and sense of place within the centre.



**Mackay Concept Plan**

**5. AIM AND OBJECTIVES**

**5.1 Aim**

The aim of the Precinct Plan is to guide land use development and the built form within the Precinct area as a safe, vibrant and attractive neighbourhood centre based on the principles outlined in “Liveable Neighbourhoods”.

**5.2 Key Objectives**

- (i) To facilitate the growth of the Spencer Park Neighbourhood centre by providing for an appropriate range of land use
- (ii) Identify redevelopment opportunities and an indication of appropriate development.
- (iii) Maximise employment opportunities in the centre.
- (iv) Encourage quality design of the built form.
- (v) Provide quality public spaces and streets to support to overall development of the area.



Indicative Precinct Plan

**6. INDICATIVE PRECINCT PLAN**

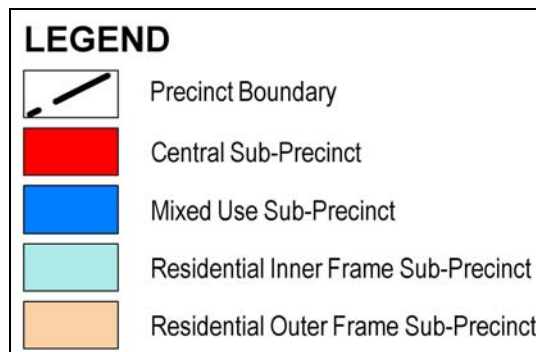
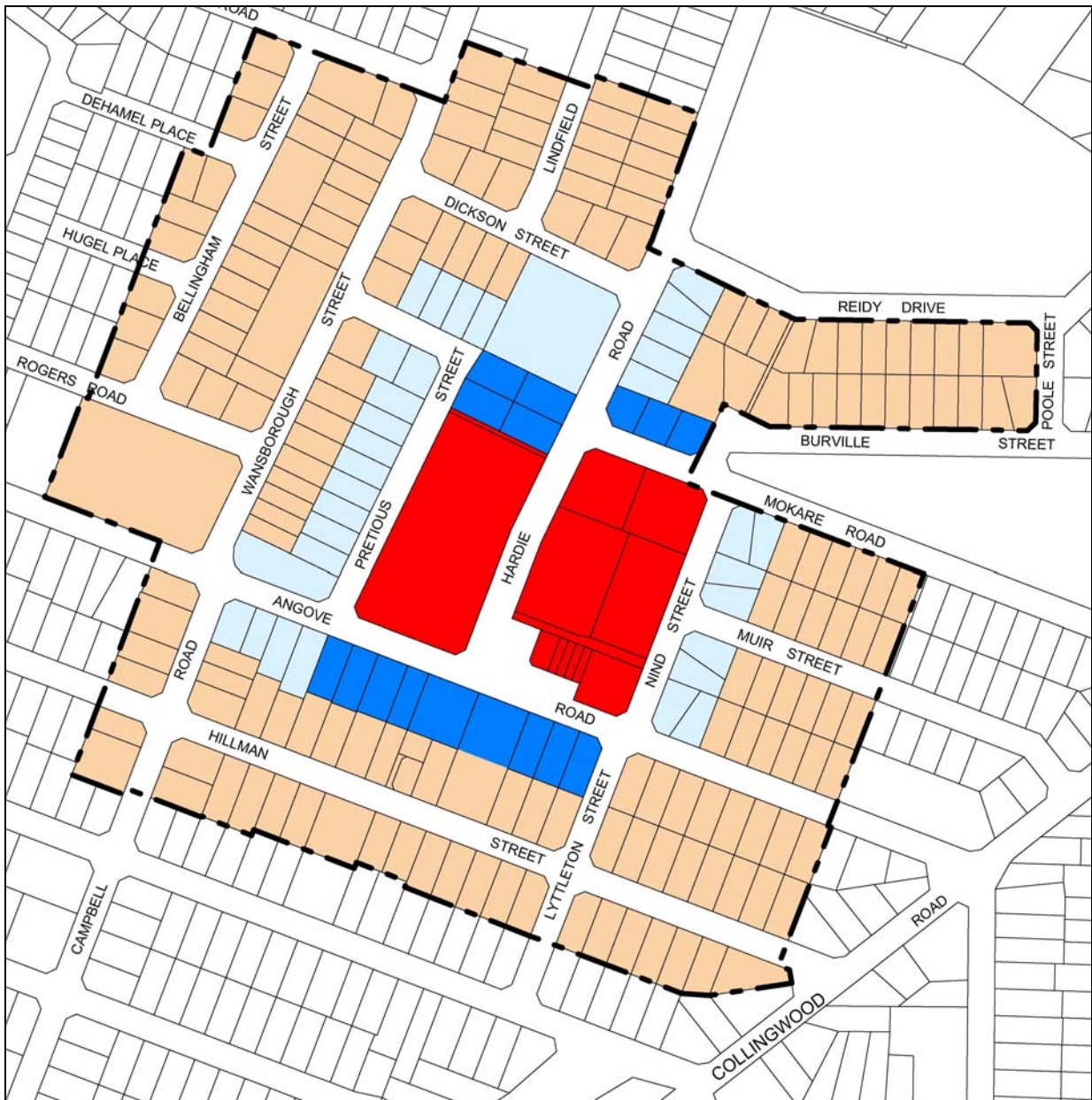
An indicative development plan for the Spencer Park Precinct has been prepared in order to illustrate how the key objectives and desired outcomes can be achieved within the centre.

The plan indicates the building foot prints for the extension of existing land use in the area such as the shopping centre and medical centre, redevelopment of significant vacant land parcels for mixed use and residential development, vehicular and pedestrian access, car parking and street improvements. Development of Hardie Road, between Angove and Mokare Roads, as a 'main street' is a key objective requiring co-ordination of all development abutting the road.

Priorities and possible staging are outlined. The plan is an aspirational document, aimed at achieving the maximum development potential within the precinct. However, flexibility in the implementation of the plan is required in order to ensure development of the centre is not unnecessarily stifled because it is not capable of being implemented at this time or in the foreseeable future.

As the owner of a number of strategic parcels of land the Department of Housing (DoH) is well placed to take a leadership role and initiate a number of demonstration projects which have the potential to promote development in the area, most notably relating to the expansion of the shopping centre and the medical clinic.

The City of Albany (CoA) also has a key role in coordinating improvements to the public realm, including provision of footpaths, street trees, street furniture, upgrading provision of on-street car parking and drainage works.



**Precinct Plan**

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## 6.1 CENTRAL SUB-PRECINCT

The Central Sub-Precinct is the retail, community and service centre for the Spencer Park neighbourhood. However, as noted in Section 3.1, above the general appearance of the area is unattractive, being dominated by bitumen car parking areas and unsightly vacant land.

### 6.1.1 Desired Outcomes.

Specific outcomes for the Central Sub-Precinct are:

- Provide for the expansion of the Spencer Park Shopping Centre within the parameters established by Council's Local Planning Strategy and Town Planning Scheme.
- Provide for associated commercial and community development in order to maximise opportunities for employment within the neighbourhood.
- Consolidate the expansion of the retail and commercial development along Hardie Road in order to create an attractive and vibrant 'main street' environment.
- Encourage mixed use development in order to increase the number of people living close to the neighbourhood facilities and provide for passive surveillance of the centre outside normal business hours.
- Redevelop vacant residential sites with a variety of housing types and densities in order to support the neighbourhood centre.
- Provide for increased on street car parking within the centre in order to facilitate access to shops and maximise the efficient provision of car parking.
- Develop car parking behind buildings wherever possible in order to reduce the impact of large areas of bitumen.
- Improve access to the shopping centre and reduce potential traffic congestion at the existing access from Hardie Road.
- Initiate a comprehensive program of planting trees within streets and car parking areas in order to improve the general appearance and amenity of the centre.
- Retain the bus route along Angove and Hardie Roads and provide an attractive and convenient bus stop within Hardie Road.
- Provide for through traffic along Hardie Road while at the same time reducing traffic speed and creating a pedestrian safe environment.

An indicative concept plan for the Central Sub-Precinct is attached and incorporates the following key elements:

- Provision for the expansion of Spencer Park Shopping Centre in an easterly direction in order to front Hardie Road.
- Provision for the expansion of the shops on the south east corner of Hardie and Angove Roads in a westerly direction to front Hardie Road.
- Expansion of the existing medical centre on the corner of Hardie and Mokare Roads.
- Redevelopment of vacant lot 68 for mixed use development fronting Hardie Road with car parking to the rear.
- Development of portion of the Spencer Park shopping centre's car park for mixed use development fronting Hardie and Angove Roads.
- Redevelopment of vacant Lot 69 for residential apartments.
- Creation of a 'main street' along Hardie Road between Angove and Mokare Roads.
- Improve the streetscape quality of all streets within the Sub-Precinct by constructing footpaths, planting street trees and providing street furniture.
- Maximise the provision of on street car parking along Hardie Road.
- Create a town square as a community focal point in association with the development of the 'main street'.
- Retain and upgrade the bus stop on Hardie Road.

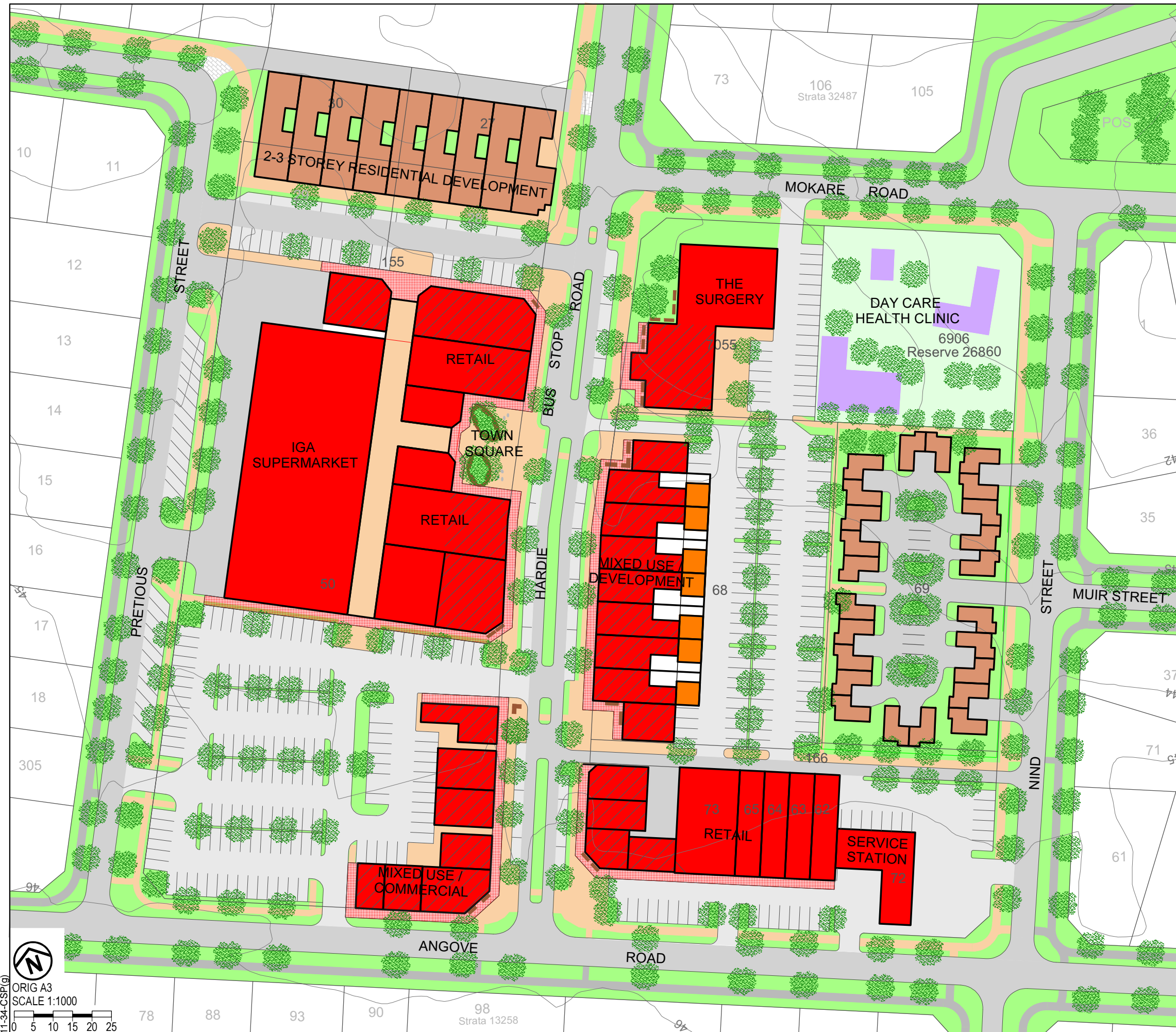






# CENTRAL SUB-PRECINCT INDICATIVE PLAN

Spencer Park,  
City of Albany



**LEGEND**

- Existing Retail / Commercial
- Proposed Retail / Commercial
- Residential Development
- Veranda / Awning

11-34-CSP(G)  
ORIG A3  
SCALE 1:1000

**AYTON BAESJOU**  
PLANNING  
11 Duke Street  
Albany WA 6330  
Ph 9842 2304 Fax 9842 8494

Ayton Baesjou Planning  
In Association with:  
Roberts Gardiner Architects, and  
Opus International Consultants

**6.1.2 Hardie Road ‘Main Street’**

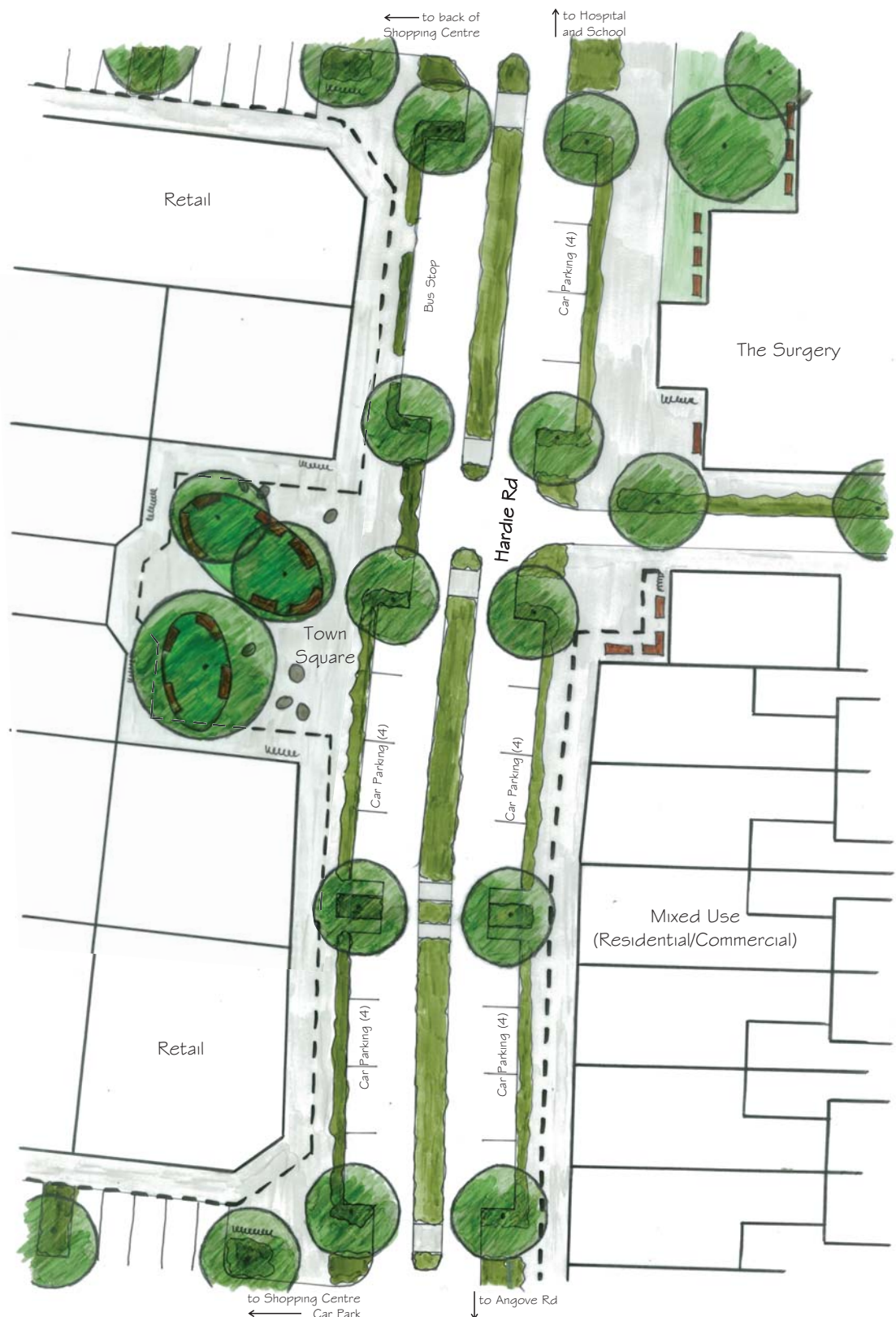
A more detailed landscape concept plan and cross section for the central portion of the proposal Hardie Road “Main Street” is attached overleaf. The plans illustrate the combination of actions required by landowners to develop their properties to front Hardie Road and works in the public realm to create a median strip, on Street car parking, footpaths, street lighting, street trees, landscaping and street furniture.

Two options are shown for the development of a local ‘town square’ on the shopping centre land adjacent to Hardie Road. The options illustrate two different sizes of public space with Option One providing for a greater level of retail development and a more intimate ‘town square’. Option Two allows for a larger square to be developed should demand for additional retail/commercial floor space not eventuate in the short to medium term. Where possible activities such as cafes/restaurants should be located adjacent to the town square so that they can utilize the space for alfresco purposes.

The ‘town square’ also provides an opportunity to provide another access point to the shopping centre.

Undergrounding of the unsightly overhead power lines along the western side of Hardie Road would add significantly to the amenity of the ‘main street’. While it is likely to be a significant cost and may only be achievable in the longer term, funding options should be explored in order to avoid disruption to street improvement that may occur in the short term. It would also enable significant street trees to be planted within the road reserve, as shown on the Concept Landscape Design Plan.





Option 1



Option 2



'Lawn islands' & trees for shade of varying sizes in town square












Water 'island' for atmosphere in town square (instead of lawn)



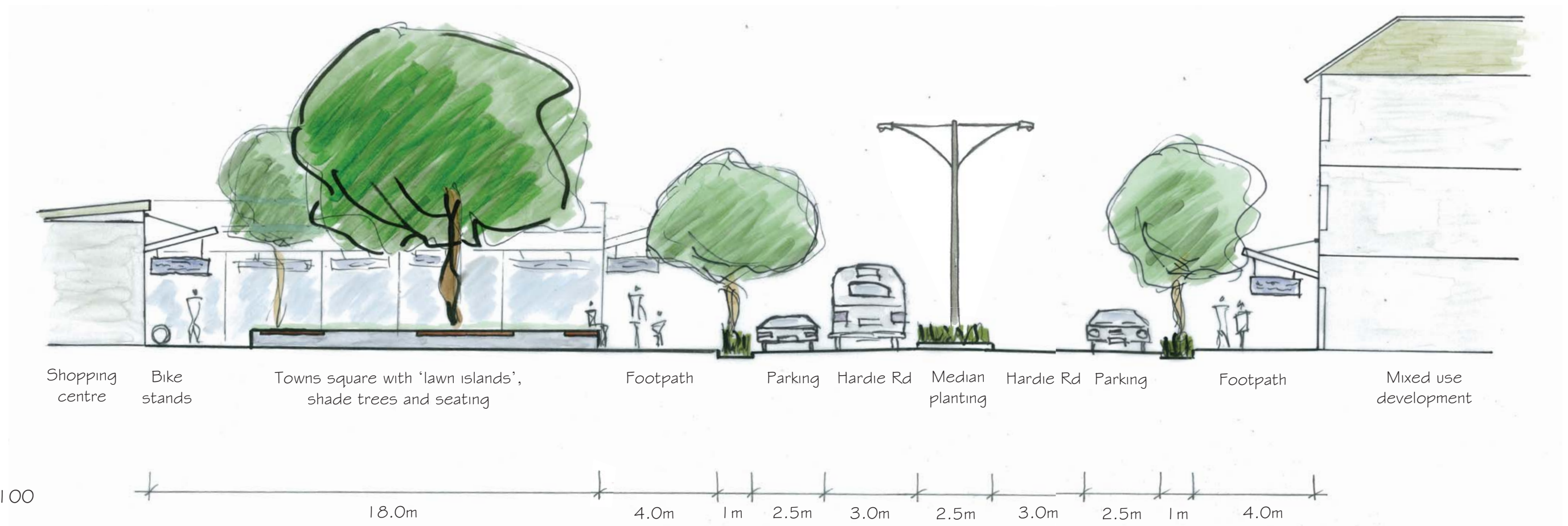
Seats around the 'lawn islands' and resting space atop



Grande boulders to represent the local geology

-  Medium sized street trees (Coral Gum)
-  Verge planting (native groundcover and grasses)
-  Pedestrian crossing through median island
-  Wooden bench seats in 'miniature' town squares
-  Raised lawn beds, wooden seats at the edges
-  Grande boulders for seating and as landscape feature
-  Cork screw bike rack
-  Paved surface in precinct centre
-  Lawn Area

All detailed planting lists to be based on the City of Albany Subdivision and Development Guidelines. Traffic and Civil design of parking, intersections and access ways have not been included in this Concept Landscape Design. For construction traffic spaces will need to be designed to City of Albany, Australian Standard 2890 and Aust Roads Guide to Road Design.



Alfresco area near buildings and green space



Car parking and alfresco areas on footpaths can be integrated



Native street tree (Eucalyptus torquata - Coral Gum)



Verge planting to separate road and pedestrians



Typical crossing point where planting is used to direct traffic



Wooden bench seats for resting throughout the precinct



Corkscrew bike racks

All detailed planting lists to be based on the City of Albany Subdivision and Development Guidelines. Traffic and Civil design of parking, intersections and access ways have not been included in this Concept Landscape Design. For construction traffic spaces will need to be designed to City of Albany, Australian Standard 2890 and Aust Roads Guide to Road Design.

<b>CENTRAL SUB-PRECINCT DEVELOPMENT GUIDELINES</b>
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**Land Use**

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Central Sub-Precinct, the following uses are 'D' discretionary uses:

- Club Premises
- Consulting Rooms
- Family Day Care
- Fast Food Outlet
- Hotel
- Laundromat
- Liquor Store
- Medical Clinic
- Multiple Dwelling
- Office
- Restaurant
- Tavern

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Central Sub-Precinct, the following uses are 'X' not permitted:

- Residential development below the density of the R60 code
- Single House

**Building Form and Design Criteria**

Within the Central Sub-Precinct, the main objective is to create a sense of place by focussing development on Hardie Road in order to create a 'main street' environment. Buildings on land either side of Hardie Road need to have a strong connection to the street and the scale and intensity of development needs to differentiate the centre from the surrounding predominantly single storey residential areas.

In order to achieve this the following design criteria apply:

**Building Height**

- Maximum of 3 storeys with a maximum building height of 12 metres as per Category C in Table 3 of the Residential Design Codes.
- Variations to the maximum heights will only be considered where ground floor heights are increased to facilitate commercial use in mixed use buildings. The maximum increase in such cases is 1 metre.



**Building Design**

- The aim is to achieve a high quality of architectural design which will contribute to the creation of a sense of place.
- Buildings are to avoid blank walls of a single material and colour. Variety of building articulation, materials, texture and colours is required to create interest and break up the bulk and form of buildings.
- Ground floor commercial uses shall maximise the provision of shop front glazing (from a maximum sill height of 500mm to at least 2.4m above floor level) for 75% of the building frontage to the adjacent streets.
- All commercial street frontages built to within 2.5 metres of the front boundary shall incorporate a veranda or roof overhang to provide pedestrian shelter over the adjacent footpaths, with a minimum footpath overhang of 3 metres and a minimum height of 3 metres.

- Building entrances at ground level are to address street frontages and be clearly identified.
- No on-site car parking shall be permitted between the street and the front of a building. All car parking is to be provided to the rear of the building, with on-street parking maximised.
- No front fencing is permitted.
- Service areas shall be located to the rear of buildings wherever possible and screened from public view.
- Balconies may extend to the front property boundary.
- Mixed use development shall be designed to address primary and secondary streets as well as rear car parking areas or any public open space areas in order to maximise passive surveillance.



*3 & 4 storey apartments with commercial use at ground level*

### **Building Setbacks**

- Minimum building setbacks for Primary and Secondary Streets for non residential uses shall be: Nil; and for ground floor residential and any floors above: 2.5 metres. Side and rear setbacks shall have a nil minimum setback.



*3 storey terraced housing with balconies extending to property boundary.*



*3 storey terraced housing maximising on-street parking*



**Car Parking**

Within the Central and Mixed Use Sub-Precincts, car parking requirements have been reduced on the basis that a proportion of the car parking is provided as public car parking and is therefore available for reciprocal use. Reciprocal parking allows for the most efficient use of available bays and together with the emphasis on maximising on-street car parking, allows for some relaxation of normal requirements. Recommendations to extend and upgrade footpaths connecting surrounding residential areas with the centre, together with streetscape improvements, also aim to encourage more people to walk or cycle to the centre.



*Car Parking located to the rear of buildings with good surveillance from apartments above.*

**On-site Car Parking Provisions**

- Retail: 1 bay per 25 square metres.
- Other Commercial: 1 bay per 30 square metres.
- Residential: As per the Residential Design Codes.

Car parking areas shall be designed to address the following matters:

- Security and lighting.
- Traffic and pedestrian access.

- Landscaping to break up the large areas of unattractive bitumen and provide shade for vehicles.
- Signage.
- Disabled access.
- Integration with adjoining development.
- Efficient servicing arrangements for businesses (loading/unloading areas).



*Landscaped rear car parking with good surveillance from apartments above.*

### **Vehicular Access**

Vehicular access to be restricted to ROW where available. Where not available, vehicle crossovers shall be restricted to one per street for each lot.

**Landscaping**

Landscaping both within development sites or the public realm is currently lacking (with the exception of the medical centre).

Appropriate landscaping can contribute significantly to the creation of a sense of place and requires collaboration between landowner/developers and the City of Albany. A landscaping plan for each development site is required which contributes to the amenity of the area, the streetscape and aesthetic quality of the associated buildings. Provision of on site landscaping and/or a contribution in lieu of on-site provision is to be negotiated on a site by site basis with the City of Albany.



### Signage

- A high quality of signage throughout the Precinct is required to complement the aim of achieving an attractive neighbourhood centre.
- No free standing signage is permitted. All signage must be attached to a building.
- Signage shall be integrated with the architectural design of a building with provision made for appropriate signage on the building and or veranda/awnings attached to the building.
- Signage is not permitted above the roof line of a building.



*Roof sign unrelated to use below and not integrated with building design.*



*Signage fully integrated with design of building.*



*Freestanding sign inappropriate to town centre.*



*Repetitive signage.*



*Sign design unrelated to fascia of awning.*

## 6.2 MIXED USE SUB-PRECINCT

The Mixed Use Sub-Precinct abuts the northern and southern boundaries of the Central Sub-Precinct and provides an opportunity to provide additional housing close to the centre, together with capacity for mixed use or home based business.

### 6.2.1 Desired Outcomes.

- Provide for redevelopment of vacant land immediately north of the shopping centre for terraced and multiple residential housing with the opportunity for non-retail commercial development (such as professional offices/consulting rooms) and home based business at ground level.
- Creation of a new east-west street between Pretious Street and Hardie Road, together with additional on-street parking.
- Provide for the redevelopment of existing housing on the southern side of Angove Road and northern side of Mokare Road for higher density housing, together with the capacity for mixed use development. Consolidate land holdings to facilitate comprehensive development as opposed to more ad-hoc development of smaller individual parcels of land.
- Locate car parking to the rear of buildings with shared access and minimise driveways onto Angove Road.



*Angove Road Mixed Use Area*

<b>MIXED USE SUB-PRECINCT DEVELOPMENT GUIDELINES</b>
--

**Land Use**

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Mixed Use Sub-Precinct, the following uses are 'D' discretionary uses:

- Aged or Dependant Persons' Dwellings
- Aged Persons' Village
- Consulting Rooms
- Home Business
- Home Occupation
- Infant Health Clinic
- Medical Centre
- Multiple Dwelling
- Office (limited to 150m<sup>2</sup> per unit)
- Single House

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Mixed Use Sub-Precinct, the following uses are 'X' not permitted:

- Residential development below the density of the R40 code.

**Building Form and Design Criteria**

- Density Code: R60 (Minimum R40).
- Plot Ratio: Maximum 1.5:1.
- Height: Maximum of 3 storeys with a maximum building height of 12metres as per category C in Table 3 of Residential Design Codes.  
Variations to the maximum heights will only be considered where ground floor heights are increased to facilitate commercial use in mixed use buildings. The maximum increase shall in such cases be 1 metre.
- Minimum setbacks:
  - Primary & Secondary Street: 2.5 metres.
  - Side: Nil.
  - Side/rear: 4.5 metres (except for the ROWs).

- Vehicle Access:

Only from ROWs where available. Where access from a ROW is not possible, vehicle crossovers shall be limited to one per street for each lot.

Part of Lots 28 & 29 Pretious Street/Hardie Road to be reserved for a public laneway.
- On-site Car Parking provisions:

Commercial: 1 bay per 30 square metres of GFA.

Residential: As per the Residential Design Codes.
- Landscaping:

In lieu of minimum on-site provisions, a development contribution shall be made to the local government towards landscaping upgrades in the adjacent streets at a prescribed rate per square metre of site area.
- Built form design requirements:
  - i Ground floor commercial uses shall maximise the provision of shop front glazing (from a maximum sill height of 500mm to at least 2.4m above floor level) for 60% of the building frontage to the adjacent streets.
  - ii All commercial street frontages built to within 2.5metres of the front boundary shall incorporate a veranda or roof overhang to provide pedestrian shelter over the adjacent footpath with a minimum of footpath overhang of 3 metres and a minimum height of 3 metres.
- Development of a Single House:

Development of a single house shall only be permitted where;

  - i In the opinion of the local government, it is consistent with the sub-precinct objectives;
  - ii Design and location on the lot is such that further development of the site to achieve the minimum R40 density over the lot is not compromised;
  - iii An area suitable for or adaptable to a home-based workspace or office is incorporated at street level: and
  - iv if subdivision is proposed, construction being completed to plate height prior to WAPC approval to a Deposited Plan or Strata Plan.

### 6.3 RESIDENTIAL INNER FRAME SUB-PRECINCT

The Residential Inner Frame Sub-Precinct immediately abuts the Central and Mixed Use Sub-Precincts and its primary role is to increase the number of people living close to the shopping centre and associated employment opportunities. Vacant land and the older housing in poor condition provides an opportunity to encourage development to a higher density and provide a variety of housing. Increased density will complement the redevelopment of the commercial precincts and provide an opportunity to significantly improve the appearance of the streetscapes surrounding the neighbourhood centre. DoH land holdings provide an opportunity to provide demonstration projects which show how existing single residential development can be redeveloped into attractive medium density housing.

#### 6.3.1 Desired Outcomes:

- To increase the number people living within the Inner Frame Sub-Precinct by encouraging redevelopment to a higher density.
- To redevelop vacant land as a priority in order to remove the urban blight.
- Consolidate redevelopment sites in order to encourage better design outcomes.
- Create attractive streetscapes by upgrading footpaths, providing street trees and street furniture.
- Encourage the DoH to redevelop its land holdings as demonstration projects showing how single residential housing can be attractively developed as medium density housing.





<b>RESIDENTIAL INNER FRAME SUB-PRECINCT DEVELOPMENT GUIDELINES</b>
--

**Land Use**

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Residential Inner Frame Sub-Precinct, the following uses are 'D' discretionary uses:

- Aged or dependant Persons' Dwellings
- Aged Persons' Village
- Single House

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Residential Inner Frame Sub-Precinct, the following uses are 'X' not permitted:

Residential development below the density of the R40 code.

**Building Form and Design Criteria**

- Density Code: R60 (Minimum R40).
- Plot Ratio: Maximum 1:1.
- Height: Maximum of 3 storeys with a maximum building height of 12metres as per category C in Table 3 of the Residential Design Codes.
- Minimum setbacks:
  - Primary Street: As per R Codes.
  - Secondary Street: 1.5metres.
  - Side/rear: as per R Codes
- Vehicle Access:
 

Vehicle street crossovers shall be limited to one per street (not including ROWs) for each lot. Minimise vehicle street crossovers with a maximum of one per lot.

Encourage reciprocal rights of access to rear of properties where possible.
- Car Parking:
 

As per R Codes.
- Landscaping:
 

In lieu of minimum on-site provisions, a development contribution shall be made to the local government towards landscaping upgrades in the adjacent streets at a prescribed rate per square metre of site area.

- Single House Development:

Development of a single house shall only be permitted where;

- i In the opinion of the local government, it is consistent with the sub-precinct objectives;
- ii Design and location on the lot is such that further development of the site to achieve the minimum R40 density over the lot is not compromised; and
- iii If subdivision is proposed, construction being completed to plate height prior to WAPC approval to a Deposited Plan or Strata Plan.



## 6.4 RESIDENTIAL OUTER FRAME SUB-PRECINCT

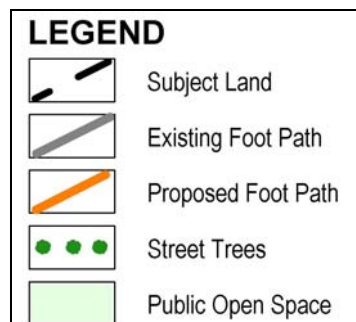
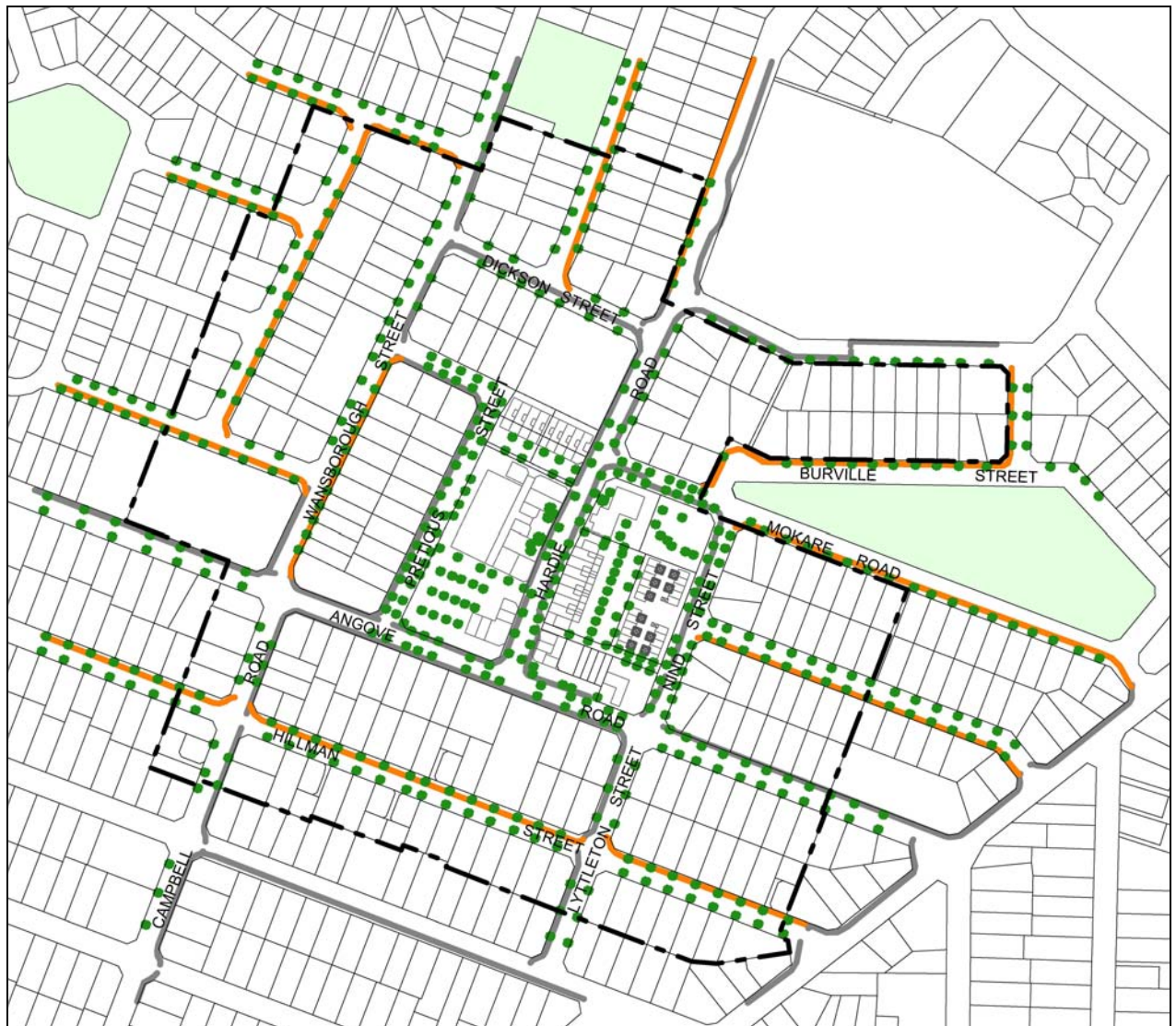
The Residential Outer Frame Sub-Precinct incorporates the balance of the Spencer Park Precinct Plan which is located within four hundred metres of the neighbourhood centre. As with the Inner Frame Sub-Precinct the primary role of the Outer Frame Sub-Precinct is to consolidate residential housing within walking distance of the centre. There is a concentration of older DoH properties in the area to the north of Angove Road which provide an opportunity to redevelop the area to higher density and improve the associated streetscapes. As many of the DoH's properties are adjacent to each other, there is an opportunity for sites to be amalgamated to facilitate well designed housing outcomes. Adoption of the DoH's 'New Living' initiatives would enable the quality of the streetscapes to be significantly improved and encourage redevelopment of privately held property.

### 6.4.1 Desired Outcomes

- To increase the number of people living within the Outer Frame Sub-Precinct by encouraging redevelopment to a higher density.
- To capitalise on the opportunity to redevelop consolidated sites in order to achieve better design outcomes.
- Encourage the DoH to incorporate the area into its 'New Living' program in order to improve the streetscapes and encourage redevelopment of property.
- Upgrade and construct footpaths and provide street trees to encourage residents to walk and cycle to the neighbourhood centre.
- Encourage the DoH to review its sales and acquisition program so that sites can be consolidated to facilitate redevelopment.



*Footpaths adjacent to property boundary and nature strip with street trees abutting carriageway.*



### Street Improvement Plan

**RESIDENTIAL OUTER SUB-PRECINCT DEVELOPMENT GUIDELINES**

**Land use**

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Residential Outer Frame Sub-Precinct, the following uses are ‘D’ discretionary uses:

Single House

Notwithstanding those uses generally permissible under Table 1: Zoning Table, within the Residential Outer Frame Sub-Precinct, the following uses are ‘X’ not permitted:

Residential development below the density of the R30 code.

**Building Form and Design Criteria**

- Density Code: R40 (Minimum R30).
- Plot Ratio: As per R Codes.
- Height: 2 storeys as per R Codes Category B.
- Setbacks: As per R Codes for R 40.
- Vehicle Access: As per R Codes for R 40.
- On site parking: As per R Codes for R 40.
- Fencing: As per R Codes for R 40.



*“Affordable” terraced housing.*

**2.11: CONSIDERATION OF AMENDMENTS TO LOCAL PLANNING SCHEME 1A AND 3 POLICY MANUAL FOR POLICY 2A - OUTBUILDINGS**

<b>Land Description</b>	: City of Albany
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: Amended Outbuilding Policy
<b>Appendices</b>	: Nil
<b>Councillor Workstation</b>	: Nil
<b>Responsible Officer(s)</b>	: Executive Director Planning & Development Services (Dale Putland)

**IN BRIEF**

- It is recommended that Council adopt amendments to the Policy 2A – Outbuildings for advertising purposes in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

**RECOMMENDATION**

**ITEM 2.11 RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the amendments to the Local Planning Scheme 1A and 3 Policy Manual for Policy 2A Outbuildings be ADOPTED for the purposes of advertising in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.**

**BACKGROUND**

1. The City adopted its Local Planning Scheme 1A & 3 Policy Manual in 2011. The policy manual consists of a consolidation of policies with provisions and objectives to be taken into account in respect to decision making.
2. Since the adoption of the policy manual, staff have been assessing applications for outbuildings with reference to provisions and objectives contained within. Contentious issues have arisen in regards to the following:
  - There are no provisions to address the size of outbuildings on lots <450m<sup>2</sup> and lots between 2000m<sup>2</sup> and 4000m<sup>2</sup>;
  - The community is concerned that the amenity of an area may be impacted as a result of outbuildings being approved on vacant lots; and
  - The Policy is being used contrary to Part 5 of the Residential Design Codes.

**DISCUSSION**

3. The current outbuilding policy restricts the size of outbuildings relative to the size of a lot. For example, the larger the lot, the larger the size of outbuilding permitted. However, the policy fails to adequately indicate a suitable size outbuilding for Lots <450m<sup>2</sup> and for lots between 2000m<sup>2</sup> and 4000m<sup>2</sup>.

4. Further, the outbuilding policy does not adequately address the potential amenity impact of outbuildings on vacant lots. If not sensitively located (eg behind dwelling), outbuildings can impact on the amenity of nearby residents, the streetscape, character and environmental attributes of the area.
5. There is some concern that the WAPC R Codes contain some ambiguities.

Part 5 of the Residential Design Codes states the following:

**5.3.1 Local Planning policies may contain provisions that:**

(a) *Vary or replace the following acceptable development provisions set out in part 6 and part 7 of the codes:*

*streetscape*

*building design/appearance*

*boundary walls*

*site works*

*building height*

*external fixtures*

*Special purpose dwelling requirements or aged or dependent persons dwellings*

6. The above clause implies that new provisions may not be adopted to vary the acceptable development provisions for outbuildings – as identified in clause 6.10.1. However, clause 5.3.2 states:

**5.3.2**

*Despite clause 5.3.1, a council may, with the approval of the WAPC, vary any other acceptable development provision within the codes by means of a local planning policy where it can be demonstrated to the satisfaction of the WAPC that there is a need specific to a particular region that warrants such a variation.*

7. While clause 5.3.1 implies that the acceptable development provisions for outbuildings cannot be varied, clause 5.3.1 does make an allowance for a variation as long as the variations are endorsed by the WAPC.
8. It is recommended that the outbuilding policy is amended by adding the following additional provisions and by getting endorsement from the WAPC:
  - to restrict the development of outbuildings on Lots <450m<sup>2</sup> and between 2000m<sup>2</sup> and 4000m<sup>2</sup>; and
  - to restrict the development of outbuildings on vacant lots.

**GOVERNMENT CONSULTATION**

9. It is considered appropriate that should Council adopt the amendments to the outbuilding policy for the purposes of advertising, the WAPC should also be invited to make comment.

**PUBLIC CONSULTATION / ENGAGEMENT**

10. Should Council adopt the amendments to the outbuilding policy for the purposes of advertising, the policy 2A - Outbuildings will be advertised once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the 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.
11. The Council shall then review the amended provisions in the light of any representations made, decide to finally adopt the policy with or without amendments and refer to the WAPC for endorsement.
12. Following final endorsement of the policy, details thereof shall be advertised publicly and a copy kept with the scheme documents (Policy Manual) for inspection during normal office hours.

**STATUTORY IMPLICATIONS**

13. Clauses 6.9 of the City of Albany Town Planning Scheme 3 and 7.21 of Town Planning Scheme 1A set out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.
14. The Policy may only be altered or rescinded by:
  - (a) Preparation and final adoption of a new policy, specifically worded to supersede an existing policy; and
  - (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

**STRATEGIC IMPLICATIONS**

15. The amendments are consistent with the City's Strategic Plan as follows:

*Governance.*  
*The City of Albany will be an industry leader in good governance and service delivery.*
16. The policy also supports the strategic principles in the Albany Local Planning Strategy in relation to issues such as land use conflict, tourism, housing diversity, protection of agricultural land, environmental management, transport, industry and the settlement hierarchy.

**POLICY IMPLICATIONS**

17. Should the amendments to the policy be adopted by Council for advertising purposes, after the advertising period has been completed and the policy is re-presented to Council for final consideration, Council will need to formally rescind the existing planning policy.



## RISK IDENTIFICATION & MITIGATION

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i><u>Organisational Operations</u> Poor decision making as a result of peculiarities, inconsistencies and lack of provisions in the City's Policy Manual.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt amendments to the Policy to solve peculiarities, inconsistencies and lack of provisions.</i>

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

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

## ALTERNATE OPTIONS

20. Council has the options of:
- a. adopting the amended policy for advertising;
  - b. not adopting the amended policy for advertising, which would leave in place the existing planning policy framework; or
  - c. adopting the amended policy for advertising, with additional modifications.

## SUMMARY CONCLUSION

21. It is recommended that Council releases the amended Outbuilding Policy for government and public exhibition.

<b>Consulted References</b>	:	Local Planning Scheme 1A and 3 Policy Manual
<b>File Number (Name of Ward)</b>	:	City of Albany
<b>Previous Reference</b>	:	OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual).

## 2A OUTBUILDINGS

**Objective:**

*To achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts outbuildings may have on the neighbourhood or locality.*

### 1 Definitions

“**Outbuilding**” means an enclosed non-habitable structure that is detached from any dwelling.

An “**Outbuilding**” may be approved by Council for use as an Ancillary Accommodation. Where this is located within, attached to, or forms part of a larger non-habitable structure.

*Notes:*

- *An outbuilding with a floor area of 10m<sup>2</sup> or less and under 2.4m in height is considered exempt from the provisions of the policy (small garden shed).*
- *A second outbuilding with a floor area of 10m<sup>2</sup> or less and under 2.4m in height is to be assessed in accordance with the Outbuilding Policy.*
- *The maximum permitted floor area for outbuildings applies to the combined total floor area of all existing and proposed outbuildings on a lot.*
- *On lots zoned Residential, Tourist Residential, Future Urban and Residential Development, the outbuilding shall not be larger than the existing or proposed dwelling.*
- *The applicant may be required to plant trees or shrubs or employ another method of screening to assist in reducing the visual impact of the outbuilding.*
- *Garden related structures (eg. unenclosed gazebos) are considered exempt from the provisions of the policy.*
- *Shade houses are to be assessed in accordance with the Outbuilding Policy.*

“**Reflective Materials**” includes factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white (Surfmist) and smooth/classic cream.

“**Height**” is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the outbuilding.

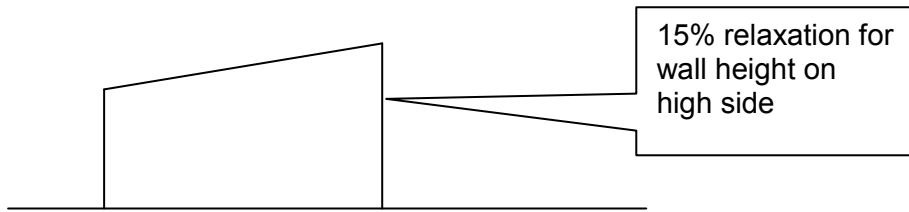
### 2 Policy Statement

The specific policy requirements for outbuildings within the different zones are set out in Table 1 below. Proposals compliant with the criteria in Table 1 may be determined under officer delegation.

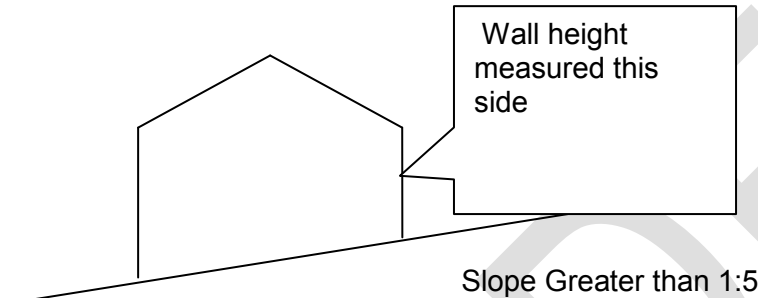
#### 2.1 Acceptable Variations

The following variations may be approved at the Planning Officers discretion without being presented to Council:

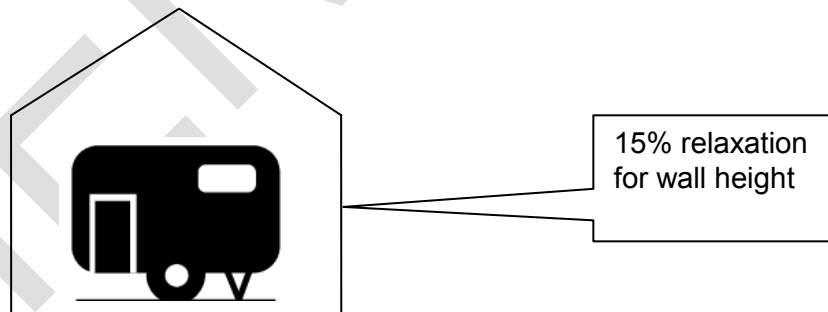
- 1) for roof forms other than a regular ridged roof, such as a mono-pitched (skillion) roof, a relaxation of the height of the wall (up to 15%) may be supported; or



- 2) where the land upon which the outbuilding is to be erected has a slope greater than 1 in 5, the height of the wall shall be measured on the wall that is located at the higher point of the site where the land has not been subject to cut and/or fill; or



- 3) where in order to accommodate larger boats, caravans or motor-homes, the applicant is to demonstrate proof of ownership of such vehicle/vessel and a relaxation of the height of the wall (up to 15%) may be supported on Residential / Tourist Residential / Future Urban / Residential Development Zone less than 4000m<sup>2</sup>; or



- 4) Where a validated need for additional floor area is made within the Residential, Tourist Residential, Future Urban and Residential Development zones, a variation to Table 1 may be considered to allow an increase in the total maximum floor area of outbuilding – up to 1% of the Lot area. For example, if the Lot area is 600m<sup>2</sup> and the max outbuilding area is 100m<sup>2</sup>, 6m<sup>2</sup> may be added (total 106m<sup>2</sup>); or
- 5) A discretionary allowance of an extra 5m<sup>2</sup> over the maximum permitted floor area may be considered in cases where the stated maximum floor area allowed is unworkable due to the dimensions of a standard design.

For all other variations of the *Outbuilding Policy* the applicant shall demonstrate exceptional circumstances (judged on the merit of the application) as to why the policy should be relaxed.

**2.2 Outbuilding on Vacant Lot where Predominant land use is residential**  
(eg zoned - 'Residential', 'Tourist Residential', 'Future Urban' or 'Residential Development')

- 1) Prior to the development of an outbuilding on a lot, a dwelling must already be established on the lot or intended to be established on the lot concurrent with the construction of the outbuilding. Intention to erect a dwelling on site can be established through approval of Planning Scheme Consent and/or a Building Licence/Permit or a Statutory Declaration stating intent to build within 12 months.

*Note: The provisions under this clause do not apply to lots where the predominant land use is other than residential (eg rural uses etc).*

**TABLE 1: OUTBUILDING SPECIFICATIONS**

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings on lot)	Special Requirements
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots less than 450m <sup>2</sup> )	3 metres	4.2 metres	60m <sup>2</sup>	The use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots less than 1000m <sup>2</sup> )	3 metres	4.2 metres	100m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 1000m <sup>2</sup> – 3999m <sup>2</sup> )	3 metres	4.2 metres	120m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 2000m <sup>2</sup> – 4000m <sup>2</sup> )	3 metres	4.5 metres	120m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 4000m <sup>2</sup> or greater)	3.5 metres	4.25 metres	150m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Yakamia Creek Zone	3.5 metres	4.5 metres	120m <sup>2</sup>	If the floor area exceeds 100m <sup>2</sup> the use of non-reflective materials is required.
Conservation Zone	3.5 metres	4.5 metres	140m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone (Lots less than 3999m <sup>2</sup> )	4.2 metres	4.8 metres	120m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Residential (Lots greater than 4000m <sup>2</sup> )	4.2 metres	4.8 metres	150m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.

Special Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots 4ha or greater)	4.2 metres	4.8 metres	240m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m <sup>2</sup>	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots 4ha or greater)				The siting of the outbuilding away from more obtrusive locations.

AMENDMENT

AMENDED

## 2A OUTBUILDINGS

**Objective:**

*To achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts outbuildings may have on the neighbourhood or locality.*

### 1 Definitions

“**Outbuilding**” means an enclosed non-habitable structure that is detached from any dwelling.

An “**Outbuilding**” may be approved by Council for use as an Ancillary Accommodation. Where this is located within, attached to, or forms part of a larger non-habitable structure.

*Notes:*

- *An outbuilding with a floor area of 10m<sup>2</sup> or less and under 2.4m in height is considered exempt from the provisions of the policy (small garden shed).*
- *A second outbuilding with a floor area of 10m<sup>2</sup> or less and under 2.4m in height is to be assessed in accordance with the Outbuilding Policy.*
- *The maximum permitted floor area for outbuildings applies to the combined total floor area of all existing and proposed outbuildings on a lot.*
- *On lots zoned Residential, Tourist Residential, Future Urban and Residential Development, the outbuilding shall not be larger than the existing or proposed dwelling.*
- *The applicant may be required to plant trees or shrubs or employ another method of screening to assist in reducing the visual impact of the outbuilding.*
- *Garden related structures (eg. unenclosed gazebos) are considered exempt from the provisions of the policy.*
- *Shade houses are to be assessed in accordance with the Outbuilding Policy.*

“**Reflective Materials**” includes factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white (Surfmist) and smooth/classic cream.

“**Height**” is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the outbuilding.

### 2 Policy Statement

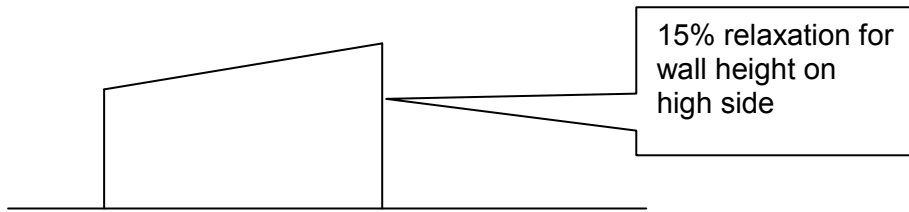
The specific policy requirements for outbuildings within the different zones are set out in Table 1 below. Proposals compliant with the criteria in Table 1 may be determined under officer delegation.

#### 2.1 Acceptable Variations

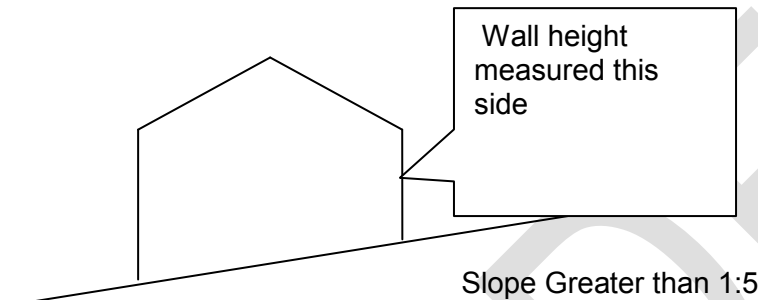
The following variations may be approved at the Planning Officers discretion without being presented to Council:

- 1) for roof forms other than a regular ridged roof, such as a mono-pitched (skillion) roof, a relaxation of the height of the wall (up to 15%) may be supported; or

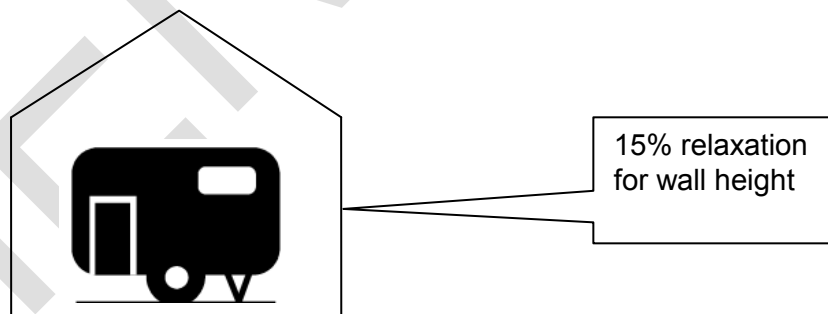




- 2) where the land upon which the outbuilding is to be erected has a slope greater than 1 in 5, the height of the wall shall be measured on the wall that is located at the higher point of the site where the land has not been subject to cut and/or fill; or



- 3) where in order to accommodate larger boats, caravans or motor-homes, the applicant is to demonstrate proof of ownership of such vehicle/vessel and a relaxation of the height of the wall (up to 15%) may be supported on Residential / Tourist Residential / Future Urban / Residential Development Zone less than 4000m<sup>2</sup>; or



- 4) Where a validated need for additional floor area is made within the Residential, Tourist Residential, Future Urban and Residential Development zones, a variation to Table 1 may be considered to allow an increase in the total maximum floor area of outbuilding – up to 1% of the Lot area. For example, if the Lot area is 600m<sup>2</sup> and the max outbuilding area is 100m<sup>2</sup>, 6m<sup>2</sup> may be added (total 106m<sup>2</sup>); or
- 5) A discretionary allowance of an extra 5m<sup>2</sup> over the maximum permitted floor area may be considered in cases where the stated maximum floor area allowed is unworkable due to the dimensions of a standard design.

For all other variations of the *Outbuilding Policy* the applicant shall demonstrate exceptional circumstances (judged on the merit of the application) as to why the policy should be relaxed.

**2.2 Outbuilding on Vacant Lot where Predominant land use is residential**  
(eg zoned - 'Residential', 'Tourist Residential', 'Future Urban' or 'Residential Development')

- 1) Prior to the development of an outbuilding on a lot, a dwelling must already be established on the lot or intended to be established on the lot concurrent with the construction of the outbuilding. Intention to erect a dwelling on site can be established through approval of Planning Scheme Consent and/or a Building Licence/Permit or a Statutory Declaration stating intent to build within 12 months.

*Note: The provisions under this clause do not apply to lots where the predominant land use is other than residential (eg rural uses etc).*

**TABLE 1: OUTBUILDING SPECIFICATIONS**

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings on lot)	Special Requirements
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots less than 450m <sup>2</sup> )	3 metres	4.2 metres	60m <sup>2</sup>	The use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots less than 1000m <sup>2</sup> )	3 metres	4.2 metres	100m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 1000m <sup>2</sup> – 3999m <sup>2</sup> )	3 metres	4.2 metres	120m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 2000m <sup>2</sup> – 4000m <sup>2</sup> )	3 metres	4.5 metres	120m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 4000m <sup>2</sup> or greater)	3.5 metres	4.25 metres	150m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Yakamia Creek Zone	3.5 metres	4.5 metres	120m <sup>2</sup>	If the floor area exceeds 100m <sup>2</sup> the use of non-reflective materials is required.
Conservation Zone	3.5 metres	4.5 metres	140m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone (Lots less than 3999m <sup>2</sup> )	4.2 metres	4.8 metres	120m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Residential (Lots greater than 4000m <sup>2</sup> )	4.2 metres	4.8 metres	150m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.

Special Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots 4ha or greater)	4.2 metres	4.8 metres	240m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m <sup>2</sup>	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots 4ha or greater)				The siting of the outbuilding away from more obtrusive locations.

AMENDMENT

AMENDED

**3.1: 2012-13 COMMUNITY FUNDING RECOMMENDATION  
ENDORSEMENT**

<b>Responsible Officer</b>	:	Executive Director Community Services (C Woods)
<b>Attachments</b>	:	<ul style="list-style-type: none"><li>• Community Funding Guidelines</li><li>• Funding Recommendations</li></ul>
<b>Appendices</b>	:	<ul style="list-style-type: none"><li>• Community Funding Application Form</li><li>• Community Funding Acquittal Form</li><li>• Community Funding FAQ's</li><li>• Community Funding Communications Schedule</li></ul>

**IN BRIEF**

- Endorsement of Community Funding Recommendations
- Applications recommended for funding represent good value for Council, align with focus areas within the Strategic Plan and present a range of options for Council to visibly engage with the community and demonstrate support of community initiatives.
- It is recommended that Council endorse funding applications as recommended by the Funding Panel and outlined in Attachment.

**ITEM 3.1: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ENDORSE Community Funding recommendations as outlined in Attachment 2.**

**BACKGROUND**

1. At the Ordinary Council Meeting 19 June 2012 Council endorsed the 2012-2013 City of Albany Budget that included an allocation of \$35,000 for Community Assistance Funding (Item 1.5, No 51 refers).
2. The 2012-2013 Budget Adoption Report noted:
3. Community Assistance Funding of \$35,000 will assist community groups and individuals deliver projects, initiatives and events that:
  - Enhance community engagement and participation;
  - Build community resilience and well being; and/or
  - Develop the vibrancy and liveability of Albany.
4. The Community Funding application period closed on 05 July 2012. Applications have been assessed and recommendations for funding are now presented to Council for endorsement.

## **DISCUSSION**

### **Community Financial Assistance – Overview**

5. Council has endorsed a package of community support initiatives for many years known as Community Financial Assistance. Community Financial Assistance included rate rebates, sundry donations, iconic events, community events, sporting events, tip passes, youth crisis services, minor grants, major grants and heritage conservation incentive grants. Community Financial Assistance was managed through the Corporate Services Directorate with oversight and delegated authority through the Community Financial Assistance Committee.
6. At the April 2010 Ordinary Council Meeting Council endorsed that a moratorium be placed on all the grant category allocations under the Community Financial Assistance program to the years 2010-2011 and 2011-2012.
7. Rates rebates and iconic events were and have remained exempt from the moratorium. Rate rebates are managed through the Corporate Services Directorate and iconic events are managed through the Office of the CEO.
8. As part of 2012-2013 budget deliberations Council agreed that the moratorium on Community Financial Assistance would continue excepting rate rebates, iconic events and \$35,000 for Community Assistance Funding.
9. As noted in 1 and 2 Council endorsed a Community Assistance Funding program of \$35,000 for 2012-2013. This program has been developed and delivered by the Community Services Directorate.

### **Community Assistance Funding – Process**

#### ***Development***

10. Eligibility criteria, funding criteria, application documentation and assessment processes were developed for this Community Assistance Funding. The changes to previous criteria illustrate that this funding differed to funding programs in the past. See Attachment 1 for the revised Community Funding Guidelines. See Appendices 1 to 4 for the revised Application Form, Acquittal Form, Frequently Asked Questions and Communications Schedule.
11. The revised 'Community Funding' guidelines were broadened to be more inclusive and representative of the community than the previous funding model that restricted funding to 'Community Events' only.
12. Assessment of applications was conducted by a panel including:
  - Councillor Sarah Bowles;
  - Executive Director of Community Services; Cameron Woods and;
  - Manager of Cultural and Community Development (Adam Cousins)
13. The Panel used a matrix to assess each application against 13 criteria.
14. The Panel was required to submit a Disclosure of Interest form in instances where an Interest was declared.

***Delivery***

15. The Community Funding Program was promoted as per the Communications Schedule in Appendix 4.
16. Applications for funding were open from 07 June 2012 to 05 July 2012. Applicants could download all funding materials from the City website or request hard copy material.
17. Applicants could speak to City Officers to discuss their application but this was not a requirement for funding.
18. The Assessment Panel met on Thursday 12 July to determine recommendations for funding.

***Outcomes***

19. 28 applications were received requesting total funding of \$142,420 with a total project value of \$490,836.
20. Eight applications were ineligible. Ineligibility related to:
  - Request for funding of capital works;
  - Request for funding of recurrent sporting events or competitions; and
  - Applicant has an outstanding acquittal with the City.
21. Nine applications met the eligibility criteria but were not recommended for funding by the panel.
22. Eleven applications met the eligibility criteria and have been recommended for funding.



***Community Funding Recommendations***

23. An outline of all applications received highlighting applications recommended for funding is outlined in Attachment 2.
24. A summary of applications recommended for funding is outlined in Table 1 below:

*Table 1: Applications Recommended for 2012-2013 Community Funding.*

Applicant	Project	Total Project \$	Funding Request \$	Funding Recommended \$
Artsouth WA	Southern Art and Craft Trail	28,944	5,000	4,000
Wellstead Community Resource Centre	Harvest Carnival	14,589	5,400	2,000
Albany Maritime Foundation	Festival of the Sea	19,300	7,000	3,500
Creative Albany	Arthouse Film Season – Town Hall	25,080	2,500	2,500
Creative Albany - Bookmark	'Poetry Clips' – Multi-media art project for youth at risk	30,152	6,000	4,000
Green Skills	Bike Festival	5,902	5,702	2,000
NewArts	Floating Sculpture Project	25,185	7,000	3,500
Albany Little Athletics	Country Championships	19,380	2,800	2,000
Southern Edge Arts	Commissioning of New Work - 'All in Good Time'	34,000	7,000	3,500
Little Grove Community Garden	Establishment of new Community Garden	14,700	6,392	4,000
Boatshed Markets	Night Market Series	11,632	5,800	4,000
	Total	228,864	60,594	35,000

25. In determining recommendations from eligible applications the Assessment Panel considered the following items as outlined in the funding guidelines:
26. The capacity for the project, activity or event to provide high quality outcomes as measured against the funding priorities;
  - Has the applicant clearly demonstrated why the project, activity or event is needed by the community and how it will be provided?
  - The level of cash or in-kind contribution by the applicant and other funding committed to the project. The minimum financial contribution from the applicant (cash, in-kind, additional revenue or funding) must be on a dollar for dollar matching basis. The City will only provide up to a maximum of 50% of the total project, activity or event cost.
  - Does the applicant demonstrate they have made other attempts to seek funding, support and partnerships from other funding bodies and organisations?
  - Does the proposal demonstrate capacity for long-term viability?
  - Projects which replicate services already provided by the City of Albany are unlikely to be funded.
27. It is noted that Creative Albany is recommended for funding of two projects. This organisation acts as an auspicing body for projects and is not seeking funding directly.

***Panel Comments***

28. A summary of panel commentary for each application is noted in Attachment 2.
29. The panel also noted the following:
  - The majority of grant applications were not of a high quality. Options for the facilitation of skill development for community groups in this area could be a valuable future project;
  - Sporting/recreation applications were under represented or ineligible. Future funding programs could consider options for categorised funding with specific or tailored criteria that may attract more applications. Categories could include:
    - Sport and recreation;
    - Culture and the arts;
    - Community development; and
    - Environment and sustainability.
30. Council should consider approving a Community Funding allocation at least six months prior to the financial year to allow enough time to promote the funding program and extend the application period. This may result in community groups developing stronger projects and higher quality applications.
31. Artsouth WA's application for the Great Southern Art Trail could be considered as being funded through recurrent iconic event funding in the future. Given State Government acknowledgement of the status of this event through Events Corp funding it may be more

appropriate to fund this event through recurrent funding should iconic event funding be reviewed.

32. Recommendations for funding in 2012-2013 are more representative of broader community activity than previous 'Community Events' Funding.

**GOVERNMENT CONSULTATION**

33. Not applicable.

**PUBLIC CONSULTATION/ENGAGEMENT**

34. The 2012-2013 Community Funding Program was promoted widely including:
- Two advertisements in local newspapers;
  - One media release reported in local newspapers;
  - Posting on City of Albany website including link from the Home Page; and
  - Two email's to community organisation databases (prior to and during application period). See appendix 4 for the project communications schedule.

**STATUTORY IMPLICATIONS**

35. Nil.

**STRATEGIC IMPLICATIONS**

36. The City of Albany Strategic Plan 2011-2021 notes a number of items (both specific and non-specific) in relation to Community Funding. These are outlined in Table 2 Below.

*Table 2: City of Albany Strategic Plan 2011-2021 – Items Related to Community Funding*

<b>KEY FOCUS AREA: Community Focussed Organisation</b>		
<i>Community Priority</i>	<i>Proposed Strategy</i>	<i>Timeframe</i>
<i>Improved Communications</i>	<i>Promote City of Albany processes, procedures and project outcomes</i>	<i>Ongoing</i>
	<i>Continue to be proactive in updating the community through newspapers</i>	<i>Ongoing</i>
	<i>Communicate with residents and stakeholders clearly and concisely in a timely manner</i>	<i>Ongoing</i>
	<i>Regularly advertise programs and services through a variety of mediums including website, newspaper, radio and community noticeboards</i>	<i>Ongoing</i>
<i>Support for Community Groups</i>	<i>Provide financial assistance grants to community organisations to assist and promote community projects and activities</i>	<i>Short</i>
	<i>Support community groups by identifying funding opportunities</i>	<i>Ongoing</i>
<b>KEY FOCUS AREA: Community Focussed Organisation</b>		
<i>Tourism Development</i>	<i>Encourage Diversity in Tourism Product, including food and wine, indigenous tourism, heritage tourism, through partnerships with key tourism stakeholders</i>	<i>Ongoing</i>
	<i>Support large scale local events, festivals and markets to attract tourists</i>	<i>Medium</i>
<b>KEY FOCUS AREA: Lifestyle and Environment</b>		
<i>An Enhanced Central Business District</i>	<i>Consult with the community over the future use of the Town Hall to ensure it remains a 'community' facility (ie art gallery) and useable by multiple community groups</i>	<i>Short</i>
<i>Services for Youth</i>	<i>Facilitate and advocate for increased Services for young people</i>	<i>Ongoing</i>
	<i>Encourage venues that cater for live music to establish legal protocols to enable under age young people to attend</i>	<i>Short</i>

37. The Strategic Plan also notes that key focus areas and strategic priorities were identified in part through community consultation. Items noted by the community relevant to the Community Funding Program include:

*Create a more vibrant, active Central Business District;  
 Maintain Albany's uniqueness and preserve its heritage; and  
 Further develop the creative arts industry.*

**POLICY IMPLICATIONS**

- 38. Council has previously managed Community Financial Assistance through its Council Policy – ‘Community Financial Assistance and Events Funding Program’. This policy delegated authority to approve or decline funding applications to the Financial Assistance Committee.
- 39. The Financial Assistance Committee was disbanded as part of the establishment of the new committees of council in November 2011. The oversight and management of Community Funding is not within the terms of reference of any of the current Committees of Council. Authority to approve funding is not delegated to any of the current Committees of Council. As such, Council must approve funding recommendations. A panel of City staff and the Chair of the Cultural and Community Development Committee have made recommendations for funding for final Council endorsement.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Council do not endorse any funding recommendations</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Rigorous application and assessment processes ensure Council have confidence in funding recommendations</i>
<i>Negative customer and community feedback from applicants declined for funding</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Application and assessment processes clearly communicated - including eligibility guidelines. Communication regarding competitiveness of funding pre and post council approval.</i>

**FINANCIAL IMPLICATIONS**

- 41. Council has endorsed the 2012-2013 City of Albany Budget that includes an allocation of \$35,000 for Community Assistance Funding (Item 1.5, No 51 refers).
- 42. Recommendations for Funding are within budget from City of Albany 127120 Expenses - Community Financial Assistance.
- 43. Management and oversight of Community Funding is undertaken using existing staff resources within the Community Services Directorate within existing allocated budgets.

**LEGAL IMPLICATIONS**

- 44. Nil.

**ALTERNATE OPTIONS**

45. Council could make alternate recommendations for funding. Only applicants that are eligible and meet the funding criteria should be considered. If Council determine to endorse funding for an applicant that is ineligible or their project does not align with the funding criteria many organisations, groups and individuals that did not submit applications due to the eligibility or funding criteria would have reasonable grounds for complaint. Eligibility and funding criteria relevant to the applications received include:
- Organisations with outstanding acquittals with the City are ineligible;
  - Capital purchases of any kind including restoration or conservation works are ineligible; and
  - Recurrent sporting events such as annual carnivals, meets or competitions are ineligible.
46. Council could make alternate recommendations for the dollar amount of funding recommended for each applicant. Many of the projects recommended for funding only recommend partial funding. The Panel considered the capacity of each project to be delivered if only partial funding was allocated. Council changes to this recommendation may impact project delivery.

**SUMMARY CONCLUSION**

47. The revised Community Funding process inclusive of guidelines, application, assessment and acquittal is considered to represent a greater level of transparency and accountability for Council. In addition to this the revised 'Community Funding' guidelines are more inclusive and representative of the community than the previous funding model that restricted funding to 'Community Events'.
48. Applications recommended for funding represent a diverse mix of community initiatives and projects. These projects deliver quality outcomes against the identified funding criteria as follows:
- Enhance community engagement and participation;
  - Build community resilience and well being; and/or
  - Develop the vibrancy and liveability of Albany.
49. Funding recommendations represent a fiscally responsible approach balanced against the capacity for projects to be delivered.
50. Applications recommended for funding represent good value for Council, align with focus areas within the strategic plan and present a range of options for Council to visibly engage with the community and demonstrate support of community initiatives.
51. It is recommended that Council endorse funding applications as recommended by the Funding Panel and outlined in Attachment 2.

Consulted References	:	Community Financial Assistance and Events Funding Program Synergy Ref: NP098841_4
File Number (Name of Ward)	:	N/A
Previous Reference	:	OCM 19/06/2012 – Item 1.5 OCM 20/09/2011 – Item 1.4.4



## COMMUNITY FUNDING GUIDELINES 2012/2013

### What is Community Funding?

The City of Albany Community Funding is designed to assist community groups and individuals deliver projects, activities and events that:

- Enhance community engagement and participation;
- Build community resilience and wellbeing; and
- Develop the vibrancy and liveability of Albany.

This is a small grant-based program for grants of between \$2,000 and \$7,000. Applications are assessed, and if successful require a grant acquittal at completion. Eligible organisations and individuals are invited to apply for grants from a limited pool of \$35,000 for activity taking place in 2012-2013. Grants will provide up to a maximum of 50% of the total project cost. The funding pool will be distributed in one round with successful applicants being notified by 24 August 2012.

Prior to the submission of an application for this funding please ensure you have carefully read all details contained within this application pack. Community Funding will be competitive. For the best chance of success ensure your project concept is clear, has significant achievable outcomes and directly addresses the City's funding priorities.

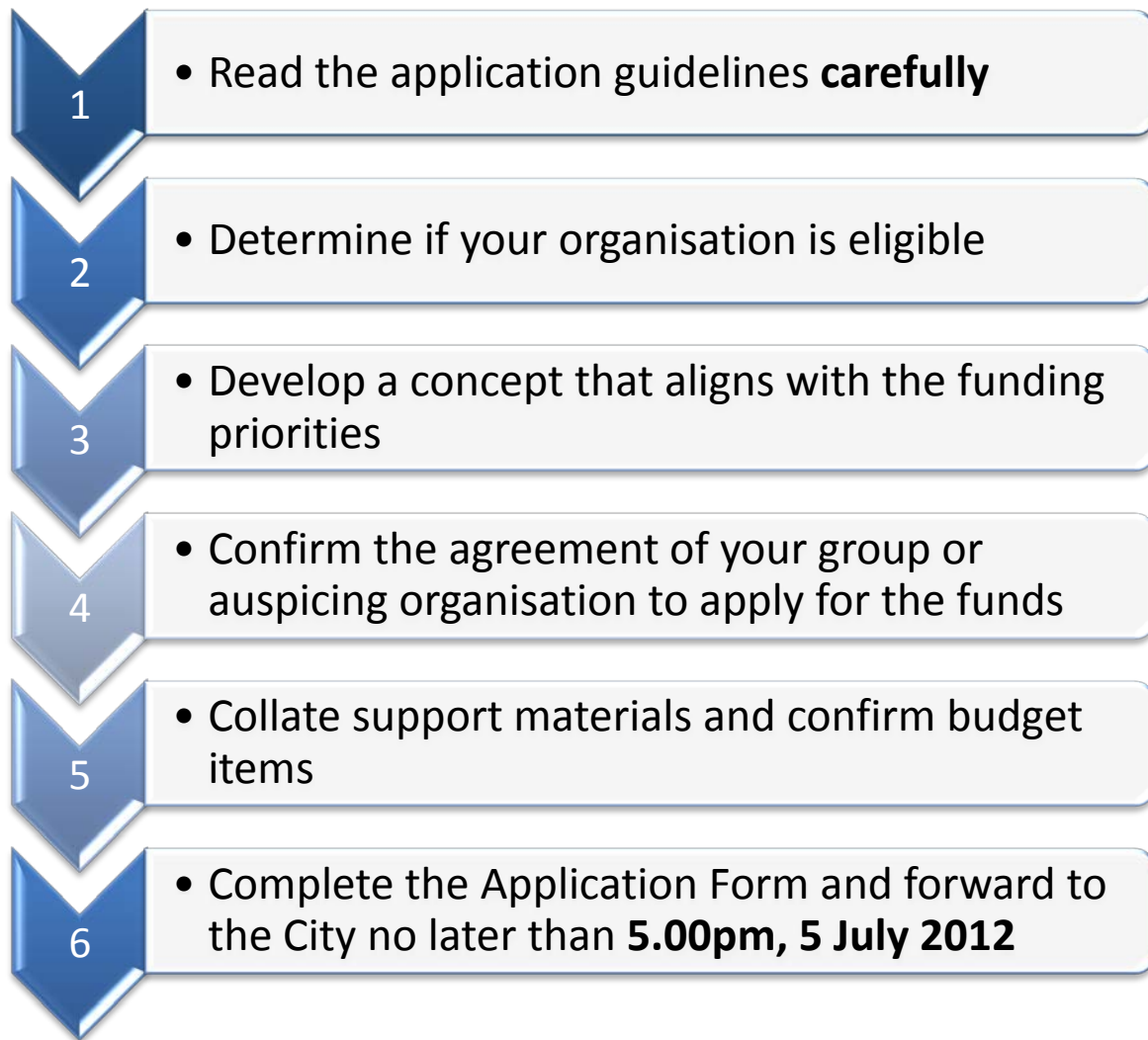
### Key Contact

Contact	Telephone	Email
Ms Emily Hubble	9841 9208	<a href="mailto:emilyh@albany.wa.gov.au">emilyh@albany.wa.gov.au</a>

### Key Dates

Action	Date/Time
Applications Open	7 June 2012
Applications Close	5 July 2012, 5.00pm
Ordinary Council Meeting	21 August 2012
Application Notification (successful and unsuccessful)	24 August 2012
Successful Applicants Contract Signing	27 August – 7 September 2012
Project, Event, Activity Delivered	7 September 2012 – 30 June 2013
Grant Acquittals	Within six weeks of project completion

## How to Apply



### General Application Information

- Read all guidelines including the funding priorities carefully prior to submission of your application;
- Applications received after the closing date (**5.00pm, 5 July 2012**) will not be considered;
- Your application is to be made in writing using the *Grant Application Form* available from the City's website and must be submitted along with all relevant support materials to:

City of Albany  
 Attention: Community Services Administration  
 PO BOX 484  
 Albany, WA 6331

**OR** email your application to:

[emilyh@albany.wa.gov.au](mailto:emilyh@albany.wa.gov.au)

Note: Applications received via post will receive a courtesy letter advising that the application has been received. Applications received via email will receive a courtesy email advising the application has been received.



## **Funding Priorities**

Your project, activity or event must demonstrate it addresses or achieves **at least one element from one of the funding priorities** listed below to be eligible for assessment.

Projects activities or events that demonstrate they will address or achieve a range of funding priorities and elements will have a greater chance of success.

### **Funding Priority One**

#### **1. Enhancing community engagement and participation**

Includes the following elements:

- a. Engaging with at least one of the following groups:
  - i. Youth
  - ii. Seniors
  - iii. Children
  - iv. People with disabilities
  - v. People from culturally and linguistically diverse backgrounds
  - vi. People from indigenous backgrounds
  - vii. Volunteers
  - viii. Regional communities within the City of Albany boundary
- b. Increasing the number and variety of community projects activities or events;
- c. Promoting social inclusion, diversity and community participation.

### **Funding Priority Two**

#### **2. Building community resilience and wellbeing**

Includes the following elements:

- a. Building and developing new audiences, partnerships and networks;
- b. Developing community capacity through skills development or mentoring;
- c. Effective use of community resources and encouraging sustainable or long-term community benefits.

### **Funding Priority Three**

#### **3. Enhancing the vibrancy and liveability of Albany**

Includes the following elements:

- a. Enhancing the vibrancy of the Albany Central Business District;
- b. Innovative community initiatives that have not been previously delivered in the region;
- c. Contributing positively to the image of Albany;
- d. Contributing to the economic development of the City of Albany.

## Who is Eligible?

**Please read the following eligibility criteria carefully.** Organisations or individuals not meeting the eligibility criteria below will not have their applications assessed.

Grants will only be provided to not-for-profit community groups and organisations which are:

- A recognised not-for-profit, non-government corporate body either created by government or with an Australian Companies Number (ACN) or Australian Business Number (ABN);
- Incorporated under the provisions of the Associations Incorporation Act (1987).

Please also note the following eligibility criteria:

- Schools are eligible to apply but project proposals must not be part of the regular curriculum;
- Eligible applicants will generally be located within the City of Albany. In some instances, organisations with a wider membership base may be considered, provided the aims and objectives are aimed primarily at the City's community or the proposed project, activity or event will take place within the City and benefit the City;
- Community groups which are not incorporated may seek the services of an incorporated body (sponsor) to auspice the project on their behalf. The sponsor will be required to accept legal and financial responsibility for the project or activity;
- Individuals will only be considered for funding if they are residents of the City and have a sponsoring, incorporated community group prepared to auspice the funds on their behalf and they can demonstrate specific benefits to the Albany community;
- Organisations with outstanding acquittals with the City are ineligible; and
- Government or quasi-government agencies are eligible to apply but must demonstrate that no applicable community group exists that can deliver the project proposal.

## What Types of Projects, Activities and Events are Eligible?

The City will consider supporting projects from eligible applicants as follows:

- One-off community projects, activities or event(s);
- Seeding grants for projects, activities or events which can demonstrate ongoing viability after project acquittal and have the potential for long-term independent viability;
- Projects which are additional and significantly different to a school's regular curriculum;
- Recurrent projects, activities or events will only be eligible if they can demonstrate significant degrees of program diversity each year;
- Projects that demonstrate good planning and project management, financial responsibility, appropriate use of resources and capacity to deliver to a high measurable standard.

The City **WILL** fund the following components within a project:

- Programming costs including fees for presenters and performers (including travel costs);
- Production and venue costs including materials and equipment hire;
- Marketing costs and project management fees;
- Professional development fees if this translates to a program outcome in Albany.

The City **WILL NOT** fund the following:

- Retrospective or deficit funding;
- Recurrent salaries and/or recurrent operational costs inclusive of lease fees, legal costs or professional fees (auditing, accountants or administrative contractors);
- More than one request for funding within the financial year;
- Individuals, unless they are sponsored by an eligible organisation and are residents of the City of Albany;
- Capital purchases of any kind including restoration or conservation works;
- For-profit organisations;
- Fundraising projects, prizes and trophies;
- Project activities which occur as part of the City of Albany's ordinary activities or occur mostly outside of the City's boundary;
- Travel costs, registration or entry fees for individuals or organisations to attend workshops, programs, conferences or sporting events with no corresponding related event, activity or program to take place in Albany with demonstrated community outcomes;
- Recurrent sporting events such as annual carnivals, meets or competitions.

## How are Applications Assessed?

The application assessment process is as follows:

- Applications assessed by a panel including the Chair of the Cultural and Community Development Committee, Executive Director of Community Services and Manager of Cultural and Community Development;
- Recommendations for funding endorsed at the Ordinary Council Meeting – 21 August 2012.

It is important to note that applications will not be assessed that:

- **Do not meet the eligibility criteria;**
- **Do not address a minimum of one element from one of the funding priorities;**
- **Are incomplete, illegible or received after the closing date.**

The assessment panel will consider the following:

- The capacity for the project, activity or event to provide high quality outcomes as measured against the funding priorities;
- Has the applicant clearly demonstrated why the project, activity or event is needed by the community and how it will be provided?
- The level of cash or in-kind contribution by the applicant and other funding committed to the project. Please note that the minimum financial contribution from the applicant (cash, in-kind, additional revenue or funding) must be on a dollar for dollar matching basis. The City will only provide up to a maximum of 50% of the total project, activity or event cost.
- Does the applicant demonstrate they have made other attempts to seek funding, support and partnerships from other funding bodies and organisations?
- Does the proposal demonstrate capacity for long-term viability?
- Projects which replicate services already provided by the City of Albany are unlikely to be funded.

## What are the Conditions of Funding?

### ***Funding agreement (contract)***

Applicants seeking funds through this program must be prepared to sign a funding agreement in the event that their application is successful. Successful applicants must complete all required documents within the set time schedule as outlined below:

Action	Date
Application Notification (successful and unsuccessful)	24 August 2012
Successful Applicants Contract Signing	27 August –7 September 2012
Project, Event, Activity Delivered	7 September 2012 – 30 June 2013
Grant Acquittals	Within six weeks of project completion

### ***ABN and tax status***

Successful applicants **without** an ABN must complete a *Statement by a Supplier* form in order to be funded. *Statement by a Supplier* forms are available:

- To download from the City website as a PDF; or
- From Australia Post.

The City cannot release funds to individuals or organisations without an ABN or signed *Statement by a Supplier* form.

Applicants must advise of their organisation's GST status. If registered for the GST individuals or organisations must supply a tax invoice to receive funds.

### ***Grant acquittal***

It is a requirement that a formal acquittal of funds, together with a report outlining the success of the project in meeting its objectives, is provided. The acquittal of funds is to occur within six weeks of completion of the project, activity or event. Acquittal forms will be provided to successful applicants at the contract signing phase.

### ***City of Albany acknowledgement***

Successful applicants will be required to develop an appropriate opportunity for an Elected Member (City of Albany Mayor or Councillors) cheque presentation and/or Elected Member acknowledgement as part of the project, activity or event. This detail must be submitted as part of the grant application form.

The City of Albany's financial support must be acknowledged through means such as advertising, promotion and any media publicity associated with any project, activity or event. Approval must be given to use the City's logo where appropriate. In some instances, there may be a requirement to make a presentation to Council or participate in some promotional activities during, or at the completion of, the project, event or activity.

### ***Total available funding per application***

Funding is only available for grants between \$2,000 and \$7,000 for a maximum of 50% of the total project cost.

**PLEASE NOTE THAT CANVASSING OF ELECTED MEMBERS WILL DISQUALIFY YOUR APPLICATION**

## ATTACHMENT 2: CITY OF ALBANY COMMUNITY FUNDING PROGRAM 2012/2013

ICR	COA Synergy Ref No	Applicant	Description	Project Cost	Funding Request	Grant Funding	Received funding from the COA in the past 5 yrs	Eligible	Recommendation	Comments
<b>Community Funding Program \$35,000</b>										
1267517 (1)	LT1260083	Artsouth WA Incorporated	To provide an exhibitions of artwork created by artists and craft practitioners living and working in Albany.	\$ 28,944.00	\$ 5,000.00	EventsCorp (3 year funding) \$6000, Bendigo Bank (3 year funding) \$6000, Shire of Denmark \$2500, Shire of Plantagenet \$750 (Pending)	Yes (2007, 2008, 2009, 2010, 2011)	Yes	\$ 4,000.00	- High quality application, well written - Strong ongoing project that demonstrates diversity each year particularly for 2012 - Addresses all priorities of funding
EF1268132 (2)	EF1260356	Wellstead Community Resource Centre	Funding to provide marquees set up on the Wellstead Oval for Wellstead Harvest Carnival	\$ 14,589.00	\$ 5,400.00	Grange Resources \$1000, Communitas for Children \$550 (Pending), Great Southern Development Commission \$500-1000 (Pending)	No	Yes	\$ 2,000.00	- Project has potential for growth and development - Project in early days and with support has potential for ongoing viability - Application poor but project has merit
1268220 (3)	LT1260428	Albany Bowling Club	Request for replacement of the asbestos roof on the greenkeeper/machinery shed	\$ 4,145.00	\$ 2,072.50	Nil	No	No	\$ -	- Capital works project, ineligible
1268384 (4)	LT1260456	Albany Maritime Foundation	Funding for the Festival of the Sea. Finance of Marquee hire, audio, generator, toilets and other equipment erection and hire	\$ 19,300.00	\$ 7,000.00	ACCI \$1000 (Pending), West Australian Fishing Industry Council \$3500 (Pending), M @ B Building Products \$1000 (Pending), Port of Albany \$1000 (Pending)	Yes (2009, 2010, 2012)	Yes	\$ 3,500.00	- Meets all criteria, application doesn't show what is achievable - Ongoing event - No Quotes, Budget attached with application - Framework/Event Management Struggle
1268560 (5)	LT1260549	Great Southern District Display Committee	To mount a display at the Perth Royal Show showcasing products from the Great Southern including promoting Albany region	\$ 13,000.00	\$ 2,000.00	Nil	Yes ( 2007, 2008, 2009, 2011)	Yes	\$ -	- Event not held in Albany - Majority of funding asked from City of Albany - No supporting materials, low quality application, not clear what other LGA's are supporting
1268793 (6)	LT1260676	Albany Vintage & Classic Motorcycle Club	Funding for hire costs of equipment, signage, advertising, road closures, permits and insurance	\$ 11,000.00	\$ 2,000.00	Nil	Yes (2010 & 2011)	No	\$ -	- No efforts made for other funding - Does not meet criteria - Application poorly written and conceived
1268837 (7)	LT1260677	Apex Club of Albany	Funding to cover the cost of lighting and sound requirements for the Carols by Candlelight. Also to cover the cost of "Welcome to Country" by local Noongar elder.	\$ 8,150.00	\$ 3,800.00	Weekender Newspaper \$500 (Pending)	Yes (2008, 2009, 2011)	No	\$ -	- Applicant has outstanding acquittal with the City - ineligible
1268874 (8)	LT1260722	Creative Albany	Funding to run 8 week season of art house films in the Albany Town Hall in September/October 2012	\$ 25,080.00	\$ 2,500.00	Bendigo Bank \$8000, Creative Albany Inc \$1000, H&H Architects \$1000, Albany Chamber of Commerce \$1000 (Pending), Albany Port Authority \$1000 (Pending)	Yes	Yes	\$ 2,500.00	- SB & AC Disclosed Interest - Excellent project - Use of Community Resource ie. Town Hall
EF1268930 (9)	EF1260741	Albany Clay Target Club	Funding to purchase a new Canterbury CT450 Automatic Clay Target launching machine.	\$ 13,338.50	\$ 5,000.00	Lotterywest \$500 (No), Dept.Sport and Rec \$5000 (No), WACTA \$5000	Yes (2008)	No	\$ -	- Capital Work Project, ineligible
EF1268968 (10)	EF1260749	Miracle Baby Foundation	To establish a play and support program known as 'NutureGroup' for Albany families that have experienced the birth of premature for sick newborn.	\$ 9,970.00	\$ 4,985.00	Commonwealth Bank \$9970 (Pending)	No	Yes	\$ -	- No local contact for project - Didn't meet the funding criteria or strategic objectives - Already existing medical centre that could partner
1268953 (11)	LT1260770	Community Living Association	Funding to run facilitated workshops and clinics for men with a disability with a focus on men's health issues.	\$ 6,968.80	\$ 3,830.00	Nil	No	Yes	\$ -	- Parts of application are questionable - Project has merit, project brings together resources - No other funding sought
1268951 (12)	LT1260773	Albany Youth Support Association	Recreational activities for at risk young people during the school holidays.	\$ 30,211.00	\$ 7,000.00	Department of Communities \$5000 (Pending)	Yes (2008,2010)	Yes	\$ -	- Potential for other sources of funding - PCYC initiative - Application covers all funding criteria - Youth support team – how will this program improve kids? - What happens if more than 15 kids are identified - \$466 per child - questionable
EF1269007 (13)	EF1260759	Creative Albany - Bookmark	Multi-Media art project for young people in Albany struggling with low self-esteem.	\$ 30,152.00	\$ 6,000.00	Community Arts Network WA \$5000 (Pending), Healthway (No)	Yes (2011/12)	Yes	\$ 4,000.00	- SB disclosed interest - Well received application - Project has merit and potential – great project - Collaborative - Clear and concise objectives - Would like to see project expand to a broader audience
EF1269030 (14)	EF1260788	Western Australia Seabird Rescue Inc - Albany	Installation of interpretive signs at four key marine locations in Albany - Promoting safe fishing practices.	\$ 4,974.00	\$ 2,000.00	SCNRM \$1774, Coastwst (duplicate application, Pending)	No	No	\$ -	- Capital works project, ineligible
EF1269047 (15)	EF1260808	Green Skills	Funding to bicycle festival including a ride around town, short trips to become confident with basic bike maintenance	\$ 5,902.00	\$ 5,702.00	Swap It - Health Foundation \$4910 (Pending)	No	Yes	\$ 2,000.00	- Project shows strong future potential - Poor application with funding amount questionable - Could approach other sponsors i.e. local bike stores

## ATTACHMENT 2: CITY OF ALBANY COMMUNITY FUNDING PROGRAM 2012/2013

ICR	COA Synergy Ref No	Applicant	Description	Project Cost	Funding Request	Grant Funding	Received funding from the COA in the past 5 yrs	Eligible	Recommendation	Comments
1269016 (16)	LT1260820	Rainbow Coast Neighbourhood Centre Inc.	Series of workshops designed to encourage a diversity of participants to learn skills that will empower them to build a vibrant, sustainable and liveable community.	\$ 3,700.00	\$ 2,500.00	Nil	No	Yes	\$ -	- Older Community Garden - Has other support potential - Workshop facilitator's fees high and workshops appear to already be taking place
1269018 (17)	LT1260825	Albany Speedway Club Inc	Host a round of WSS (World Series Sprintcars) in Albany.	\$ 75,000.00	\$ 7,000.00	Nil	Yes (2008,2012)	Yes	\$ -	- Project has been funded before - Liquor licence - Potential for K23other sponsorship - Support given to community groups that need money to survive not ones that can without the funding.
1269021 (18)	LT1260826	NewArts (Inc)	Artists making sculptures floating in the water between ANZAC Peace Park and the Albany Boatshed for Easter 2013.	\$ 25,185.00	\$ 7,000.00	Port of Albany Community Fund \$3000 (Pending), Jack Family Trust \$3000 (Pending), Grange Resources \$5000 (Pending), Healthway \$8000 (Pending)	Yes (2009,2011)	Yes	\$ 3,500.00	- Comprehensive involvement with other funding bodie - More information relating to the sculptures would be helpful - Support project to a broader shoulder season
1269023 (19)	LT1260827	Albany Model Railway Association Inc	Albany Hobby Expo 2012 - two day event held in Centennial Hall promoting hands on hobbies.	\$ 9,960.00	\$ 2,000.00	Nil	No	Yes	\$ -	- Budget unclear, funding sought for out of pocket expense but not clear what this is or for whom? - Unclear whther this is a once off project or regular project
1269024 (20)	LT1260828	Albany Little Athletics Club	Hiring of shade (Marquees) and Fencing of the spectators area for the country championships.	\$ 19,380.00	\$ 2,800.00	DSR \$2200, Bendigo Bank \$2000 (Pending), Albany Port Authority \$600 (Pending)	No	Yes	\$ 2,000.00	- Worthy of funding - Lack of Support in Application with other sporting clubs - Non-recurrent Brings in extra people to the community.
1269038 (21)	LT1260830	Albany Horsemans Association	Two day showjumping and show horse event.	\$ 14,456.00	\$ 5,038.50	Healthways \$750 (Yes), Euestrian WA \$1250 (Pending)	Yes (2008,2009,2010, 2011)	No	\$ -	- Recurrent sporting event, ineligible
1269039 (22)	LT1260831	Lower Great Southern Family Support Association	Community based music program designed primarily for albany residents who have a disability.	\$ 27,000.00	\$ 21,600.00	No	No	Yes	\$ -	Funding sought for some capital purchases and more than 80% of budget
1269040 (23)	LT1260832	Albany Aussi Swimming Masters Inc	Event held Easter Saturday morning from the CoA Marina to Princess Royal Sailing Club.	\$ 10,500.00	\$ 2,000.00	Albany Weekender \$500 (Pending), DSR \$1100 (Pending), Water Corp \$500 (Pending)	Yes (2009,2012)	No	\$ -	Recurrent sporting event, ineligible
1269041 (24)	LT1260833	Albany Menshed Inc	Obtain professional assistance to further develop feasibility, business and operational planning to better th Albany Mensheds efforts.	\$ 15,400.00	\$ 7,000.00	Bendigo Bank \$1400	Yes (2009)	Yes	\$ -	- No Quotes - Not 100% clear of what funding is to be spent on - Albany Business Centre possibility to help
1269070 (25)	LT1260842	Little Grove Playgroup	Play & Exercise on a purpose built and installed boat of specialist design.	\$ 4,200.00	\$ 2,000.00	Communities for Children \$500 (Pending)	No	No	\$ -	Capital purchase, ineligible
1269071 (26)	LT1260843	Southern Edge Arts Inc	Youth Members to devise and perform "All in Good Time" original production that bring together Albany's past, present and future - referencing ANZAC centenary.	\$ 34,000.00	\$ 7,000.00	Aust Council Community Partnerships \$14,000 (Yes)	No	Yes	\$ 3,500.00	- Good Project, Great Concept - Community Development leading into ANZAC 2014
1269072 (27)	LT1260844	Little Grove Community Garden	Establishment of a community garden at the site of the South Coast Progress Association in Little Grove.	\$ 14,700.00	\$ 6,392.00	Amity Health \$500 (Pending)	No	Yes	\$ 4,000.00	- Well written application - Project has merit - Newly established community group
1269073 (28)	LT1260846	Boat Shed Markets - Albany Inc	Development and coordination of series of 4 Sunday Evening markets at the boat sheds - "Summer Shed Sundowners"	\$ 11,632.00	\$ 5,800.00	Healthway \$2192 (Pending)	No	Yes	\$ 4,000.00	- Project aligns with funding criteria - Long term sustainability - Consideration for partial funding - Event for people of all ages
<b>TOTAL OF ALL APPLICATIONS</b>				<b>\$ 490,837.30</b>	<b>\$ 142,420.00</b>				<b>\$ 35,000.00</b>	

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

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

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

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 13 July 2012 totalling \$4,113,539.56 be RECEIVED.

**BACKGROUND**

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

**DISCUSSION**

- The table below summarises the payments drawn from the municipal fund for the period ending 13 July 2012. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

**Municipal Fund**

Trust	Totalling	\$19,693.29
Cheques	Totalling	\$59,789.12
Electronic Fund Transfer	Totalling	\$3,143,104.04
Credit Cards	Totalling	\$6,255.26
Payroll	Totalling	\$884,697.85
	<b>TOTAL</b>	<b><u>\$4,113,539.56</u></b>

- As at 13 July 2012, the total outstanding creditors, stands at **\$673,920.23** and made up follows:

Current	\$302,233.71
30 Days	\$373,467.54
60 Days	-\$30.42
90 Days	-\$1,750.60
<b>TOTAL</b>	<b>\$673,920.23</b>

- Cancelled cheques: Cheque 27977 – replaced by cheque 28168. Cheques 28118, 28158, 28207 & 28222 no longer required. Cheque 27739 replaced with cheque 28208. Cheques 28095 & 28193 replaced with cheque 28218. Cheque 28219 paid via EFT.



**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 13 July 2012 has been incurred in accordance with the 2012/2013 budget parameters.

**POLICY IMPLICATIONS**

9. The City's 2012/2013 Annual Budget provides a set of parameters that guides the City's financial practices.

**SUMMARY CONCLUSION**

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

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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## AGENDA ITEM 4.1 REFERS

EFT	Date	Name	Description	Amount
EFT75070	21/06/2012	ABA SECURITY	SECURITY SERVICES	720.00
EFT75071	21/06/2012	AD CONTRACTORS PTY LTD	PFEIFFER ROAD UPGRADE	138,354.86
EFT75072	21/06/2012	AGCRETE ALBANY	DRAINAGE PRODUCTS AS REQUESTED DELIVERED ON SITE TO FLINDERS PARADE	4,510.00
EFT75073	21/06/2012	ALBANY TOYOTA	REPAIRS/MAINTENANCE VEHICLES	153.71
EFT75074	21/06/2012	ALBANY PRINTERS	20 X DUPLICATE MANUAL RECEIPT /TAX	495.00
EFT75075	21/06/2012	ALBANY V-BELT AND RUBBER	VEHICLES/VEHICLE PARTS/REPAIRS	449.12
EFT75076	21/06/2012	ALBANY SWEEP CLEAN	SWEEPING OF CARPARKS, PATHWAYS AND BOARDWALKS	2,425.50
EFT75077	21/06/2012	ALBANY STATIONERS	STATIONERY SUPPLIES	110.10
EFT75078	21/06/2012	ALBANY COMMUNITY RADIO INC.	MAST RENTAL MOUNT CLARENCE 28/2/2012 - 1/3/2013	698.86
EFT75079	21/06/2012	ALBANY REFRIGERATION	REFRIGERATION & AIRCONDITIONING REPAIRS & MAINTENANCE	1,356.52
EFT75080	21/06/2012	ALBANY SKIPS AND WASTE SERVICES	RUBBISH REMOVAL CONTRACT	235.00
EFT75081	21/06/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY SUPPLIES	2,621.15
EFT75082	21/06/2012	ALBANY QUALITY LAWNMOWING	LAWN MOWING AT LOTTERIES HOUSE	100.00
EFT75083	21/06/2012	ALBANY COMBINED CABS PTY LTD	YAC TAXI FARES	48.10
EFT75084	21/06/2012	ALBANY LEGAL PTY LTD	SURF LIFE SAVING CLUB LEASE ADVICE	2,173.60
EFT75085	21/06/2012	ARDESS NURSERY	Leucoxyton dwarf/ph kit	117.63
EFT75086	21/06/2012	ANNABEL JANE ARNOLD	THE ARTISTS WAY CLASS FACILITATION JUNE 21 2012	247.50
EFT75087	21/06/2012	ATC WORK SMART	TEMPORARY STAFF	11,639.73
EFT75088	21/06/2012	AURORA ENVIRONMENTAL	CONSULTING SERVICES FOR MAY 2012 - YAKAMIA REVIEW	352.00
EFT75089	21/06/2012	AE BALL AND COMPANY	REPAIRS/MAINTENANCE VEHICLES	567.40
EFT75090	21/06/2012	BALL BODY BUILDERS	CONCRETE PIPE	2,409.60
EFT75091	21/06/2012	BARNESBY FORD	VEHICLES/VEHICLE PARTS/REPAIRS	735.66
EFT75092	21/06/2012	BARKERS TRENCHING SERVICES	Works as required on Flinders Parade from 6 - 8 June 2012	4,322.50
EFT75093	21/06/2012	BENNETTS BATTERIES	BATTERY PURCHASES	998.80
EFT75094	21/06/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	HIRE OF TRAFFIC CONTROL	7,939.98
EFT75095	21/06/2012	LAURENCE J BLAIN	BIG TRILL WEEKEND WORKSHOP	2,301.78
EFT75096	21/06/2012	BLOKTEK PTY LTD	HIRE OF PLANT & EQUIPMENT ON BAYVIEW DRIVE	2,945.00
EFT75097	21/06/2012	BOC GASES AUSTRALIA LIMITED	CONTAINER SERVICE RENTAL	166.66
EFT75098	21/06/2012	BOOEASY AUSTRALIA PTY LTD	BOOEASY BOOKING RETURNS COMMISSION/MONTHLY FEES - MAY 2012	1,761.32
EFT75099	21/06/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	387.10
EFT75100	21/06/2012	CARDNO (WA) PTY LTD	Conduct a Due Diligence Report on Lot 2 Hanrahan Rd	2,614.63
EFT75101	21/06/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	TOOLS/HARDWARE SUPPLIES	418.56
EFT75102	21/06/2012	C&C MACHINERY CENTRE	PUMP SUPPLIES	334.95
EFT75103	21/06/2012	CALDWELL LAND SURVEYS PTY LTD	Survey of Little Grove Boat Ramp/Car Park Facilities	1,753.40
EFT75104	21/06/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL MAINTENANCE/REPAIRS	6,654.91
EFT75105	21/06/2012	CITY OF GREATER GERALDTON	MEMBERS REIMBURSEMENTS REGIONAL CAPITALS AUSTRALIA	26,119.03
EFT75106	21/06/2012	CJD EQUIPMENT PTY LTD	PLANT PARTS	514.29
EFT75107	21/06/2012	COCA-COLA AMATIL PTY LTD	CATERING SUPPLIES	2,777.26
EFT75108	21/06/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	580.18
EFT75109	21/06/2012	COURIER AUSTRALIA	FREIGHT CHARGES	720.99
EFT75110	21/06/2012	ALBANY SIGNS	REFLECTIVE STRIPING FOR VEHICLE	132.00
EFT75111	21/06/2012	COVS PARTS PTY LTD	VEHICLE PARTS	107.18
EFT75112	21/06/2012	CRUMPS CANVAS	REPAIRS TO ALAC STRAP ON BELTS	121.00
EFT75113	21/06/2012	DOWNER EDI WORKS PTY LTD	TONNE COLDMIX	1,952.35

## AGENDA ITEM 4.1 REFERS

EFT75114	21/06/2012	AL CURNOW HYDRAULICS	VEHICLE PARTS/MAINTENANCE	53.57
EFT75115	21/06/2012	CGS QUALITY CLEANING	CLEANING CONTRACT	20,147.97
EFT75116	21/06/2012	G & M DETERGENTS & HYGIENE SERVICES ALBANY	CONTRACT CLEANING	1,492.81
EFT75117	21/06/2012	DOG ROCK MOTEL	ACCOMODATION - ANNE LAKE 18/3/2012 - 20/3/2012	513.25
EFT75118	21/06/2012	EASIFLEET MANAGEMENT	NOVATED LEASE - MOTOR VEHICLE LEASE RENTAL	444.46
EFT75119	21/06/2012	SIMON EDWARDS	AIR BP CALLOUTS	20.32
EFT75120	21/06/2012	ELITE POOL COVERS	BALANCE OF PO 59360 - POOL EQUIPMENT	1,936.00
EFT75121	21/06/2012	EYERITE SIGNS	SIGNAGE	213.40
EFT75122	21/06/2012	LAYTON TECHNOLOGY PTY LTD	Bundle of 50 Additional Helpbox End UserLicenses	770.00
EFT75123	21/06/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	GROCERIES	56.26
EFT75124	21/06/2012	THE FIXUPPERY	CLEANING CONTRACTS	175.01
EFT75125	21/06/2012	FORM	MEMBERSHIP	112.50
EFT75126	21/06/2012	FUELS WEST PETROLEUM	LITRES DIESEL FUEL	10,550.47
EFT75127	21/06/2012	GRANDE FOOD SERVICE	CATERING SUPPLIES	380.35
EFT75128	21/06/2012	GRANT THORNTON AUSTRALIA LIMITED	INERIM AUDIT FEE FOR CITY OF ALBANY JUNE 2012	9,900.00
EFT75129	21/06/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	6,623.64
EFT75130	21/06/2012	GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	COURSE FEES FOR SHANE DELURY TO ATTEND FORKLIFT TRAINING	2,848.60
EFT75131	21/06/2012	GREAT SOUTHERN SAND AND LANDSCAPING SUPPLIES	Hours excavator hire for landfill works	17,938.32
EFT75132	21/06/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING GOODS	1,341.57
EFT75133	21/06/2012	GREAT SOUTHERN HEALTHCARE EQUIPMENT	BUILDING REPAIRS	64.90
EFT75134	21/06/2012	GSM AUTO ELECTRICAL	PLANT REPAIRS	828.75
EFT75135	21/06/2012	HANSON EXECUTIVE MANAGEMENT	SUB CONTRACTOR - CORPORATE SERVICES - AMANDA BROOKS 25/5/2012 - 11/6/2012	8,042.65
EFT75136	21/06/2012	HEADSETERA	GN 1000 lifter for Jabra Headset	210.10
EFT75137	21/06/2012	HESTER PROPERTY SOLUTIONS	STRATEGIC PROPERTY MODELS	660.00
EFT75138	21/06/2012	JUSTIN ROBERT HOLMES	Rates refund for assessment A116631	23.76
EFT75139	21/06/2012	HOWARD AND HEAVER ARCHITECTS	ARCHITECTURAL SERVICES RENDERED IN RELATION TO THE ALBANY AIRPORT - SECURITY UPGRADE	1,375.00
EFT75140	21/06/2012	STATEWIDE RACKING & STORAGE SOLUTIONS	SUPPLY AND INSTALL RACKING	2,654.00
EFT75141	21/06/2012	ISIS GROUP AUSTRALIA PTY LIMITED	Compliance Audit of the Albany Airport Building	5,263.50
EFT75142	21/06/2012	I W PROJECTS	Investigate and write a report on best practice of medical waste disposal as outlined by the brief provided by Mike Richardson	6,600.00
EFT75143	21/06/2012	JOHN ALEXANDER JAMIESON	Survey works undertaken at Hanrahan Landfill on 15/5/2012 and 16/5/2012	2,706.77
EFT75144	21/06/2012	JIMS TEST AND TAG	TEST AND TAGGING OF EQUIPMENT	118.80
EFT75145	21/06/2012	JJ'S HIAB SERVICES	PICK UP BOBCAT BLADE FROM YARD & DELIVER TO BAY VIEW RD & RETURN	396.00
EFT75146	21/06/2012	JOHN KINNEAR AND ASSOCIATES	Plan of Survey / Sketch Plan (x 4) - Drain Reserves - Stewart, Seymour & McLoed Streets, Mira Mar	811.52
EFT75147	21/06/2012	KANDOO WINDSCREENS	VEHICLES/VEHICLE PARTS/REPAIRS	290.00
EFT75148	21/06/2012	WESFARMERS KLEENHEAT GAS PTY LTD	BULK LPG	15.95
EFT75149	21/06/2012	KLEEN WEST DISTRIBUTORS	being for the supply of 20 litres of Writeoff paint	246.95
EFT75150	21/06/2012	KNOTTS PLUMBING PTY LTD	Run new water main from meter to Fire Brigade Hall	1,312.44
EFT75151	21/06/2012	KOSTERS STEEL CONSTRUCTION PTY LTD	STEEL SUPPLIES	3,761.00
EFT75152	21/06/2012	LORLAINE DISTRIBUTORS PTY LTD	Being for the purchase of 5 toilet roll holders for the soccer club toilets.	943.40
EFT75153	21/06/2012	ALBANY CITY MOTORS	VEHICLES/VEHICLE PARTS/REPAIRS	1,023.76
EFT75154	21/06/2012	MASTERY OF FX	FX WORKSHOP YA	380.00

## AGENDA ITEM 4.1 REFERS

EFT75155	21/06/2012	ASSET RESEARCH	Deregulation consultation request for quotations	5,347.40
EFT75156	21/06/2012	MCLEODS BARRISTERS & SOLICITORS	DIFFERENTIAL RATE INQUIRIES	1,918.35
EFT75157	21/06/2012	METROOF ALBANY	HARDWARE SUPPLIES	81.52
EFT75158	21/06/2012	MIDALIA STEEL PTY LTD	STEEL SUPPLIES	48.48
EFT75159	21/06/2012	MIRA MAR VETERINARY SERVICES	VET SERVICES	107.40
EFT75160	21/06/2012	JULIA MITCHELL	REIMBURSEMENTS FOR LIBRARY PURCHASES	72.96
EFT75161	21/06/2012	MT BARKER COMMUNICATIONS	TV TOWER OUTAGES PLEASE INVESTIGATE	1,544.40
EFT75162	21/06/2012	NATALIE RADIVOJEVIC	CO-ORDINATION OF THE VANCOUVER ARTS CENTENNIAL ARTS PRIZE	105.00
EFT75163	21/06/2012	OCP SALES	EMERGENCY BATTERY	247.50
EFT75164	21/06/2012	OKEEFE'S PAINTS	PAINT & PAINTING SUPPLIES	14.15
EFT75165	21/06/2012	FORTS CAFE	REIMBURSEMENT FOR RHEEM HOT WATER SYSTEMS FOR FORTS CAFE	491.66
EFT75166	21/06/2012	CORR ART	ARTISTIC DEVELOPMENT SERIES WEEK 6	140.00
EFT75167	21/06/2012	PAUL G ROBERTSON AND ASSOCIATES	CONSULTANT ENGINEER SERVICES - ALBANY AIRPORT SECURITY UPGRADE	1,232.00
EFT75168	21/06/2012	4 STEEL SUPPLIES	Pack (One Sling) of 50 x LG Pipe	1,669.96
EFT75169	21/06/2012	PLATTERS GOURME	CATERING	400.00
EFT75170	21/06/2012	PLASTICS PLUS	140 LITRE YELLOW RUBBISH BINS	347.60
EFT75171	21/06/2012	PLANT SUPPLY COMPANY	PLANTS	1,120.84
EFT75172	21/06/2012	PORTAL IT	ICT Strategic Plan - Progress payment (on presentation of draft)	7,700.00
EFT75173	21/06/2012	PROTECTOR ALSAFE INDUSTRIES PTY LTD	SAFETY EQUIPMENT	694.67
EFT75174	21/06/2012	QUALITY PUBLISHING AUSTRALIA	VISITORS CENTRE MERCHANDISE	230.74
EFT75175	21/06/2012	RAMPED TECHNOLOGY	Sophos Endpoint/Groupware Security and Control 20 SEATS	2,295.41
EFT75176	21/06/2012	RED DOT STORE	STORYBAG BACKPACKS	39.90
EFT75177	21/06/2012	REECE PTY LTD	STORMWATER SUPPLIES	34.60
EFT75178	21/06/2012	ROADSAFE AUSTRALIA ADVANCED DRIVING PTY LTD	Course Fees - Defensive Driving on 5 June 2012	3,455.00
EFT75179	21/06/2012	ALBANY ALUMINIUM FABRICATION	THE SUPPLY OF 2 LENGHTS OF ALUMINIUM CHANNEL FOR THE NORTH RD	143.00
EFT75180	21/06/2012	ROYAL LIFE SAVING SOCIETY AUSTRALIA	SWIM CERTIFICATES	120.00
EFT75181	21/06/2012	UNITED TOOLS ALBANY	HARDWARE/TOOL SUPPLIES	24.20
EFT75182	21/06/2012	ALBANY SCAFFOLD HIRE	HIRE, ERECT ,DISMANTLE AND TRANSPORT OF SCAFFOLDING FOR THE VAC	1,672.00
EFT75183	21/06/2012	SECUREPAY PTY LTD	WEB PAYMENTS - SEAT ADVICE PRICING TRANSACTION FEE WITHOUT FRAUDGUARD	22.57
EFT75184	21/06/2012	SERENITY PARK	DISPOSAL OF ANIMALS	300.00
EFT75185	21/06/2012	KAITLYN SEYMOUR	ADMIN ASSISTANCE - VAC	92.16
EFT75186	21/06/2012	G & L SHEETMETAL	DOOR SKINS 2.030X.910	187.00
EFT75187	21/06/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	10,418.13
EFT75188	21/06/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	343.42
EFT75189	21/06/2012	SOUTHERN TOOL & FASTENER CO	HARDWARE SUPPLIES	491.47
EFT75190	21/06/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	2,230.40
EFT75191	21/06/2012	SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES ALAC	341.00
EFT75192	21/06/2012	DEPARTMENT OF PREMIER & CABINET	GOVERNMENT GAZETTE ADVERTISING	382.20
EFT75193	21/06/2012	EDWARD & LOIS STONE	COMPENSATION FOR LAND RESUMPTION - WIDENING BETTY'S BEACH ROAD	15,700.00
EFT75194	21/06/2012	T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	2,118.95
EFT75195	21/06/2012	T-QUIP	VEHICLES/VEHICLE PARTS/REPAIRS	515.50
EFT75196	21/06/2012	THE VEGIE SHOP	GROCERIES	147.16
EFT75197	21/06/2012	THINKWATER ALBANY	IRRIGATION SUPPLIES	2,024.53
EFT75198	21/06/2012	TOLL PRIORITY	FREIGHT CHARGES	507.17

## AGENDA ITEM 4.1 REFERS

EFT75199	21/06/2012	TOTAL GREEN RECYCLING	E-WASTE RECYCLING	10,539.76
EFT75200	21/06/2012	TRAILBLAZERS	OUTDOOR WEATHER GEAR	163.62
EFT75201	21/06/2012	ALBANY TYREPOWER	TYRE PURCHASES/MAINTENANCE	4,481.05
EFT75202	21/06/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	GREEN WASTE SERVICES	51,792.27
EFT75203	21/06/2012	VISITOR CENTRE ASSOCIATION OF WESTERN AUSTRALIA	MEMBERSHIP VCAWA 2012/13	770.00
EFT75204	21/06/2012	WA NATURALLY PUBLICATIONS	VISITORS CENTRE MERCHANDISE	602.97
EFT75205	21/06/2012	WAVESOUND PTY LTD	1 x bundle of 50 Large Print books (special offer WS2012LP)	550.00
EFT75206	21/06/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING - LANDFILL	2,426.82
EFT75207	21/06/2012	WESTRAC EQUIPMENT PTY LTD	VEHICLE PARTS	231.39
EFT75208	21/06/2012	WA LOCAL GOVERNMENT ASSOCIATION	JOB ACCT: 4003 - FILE NO: LP.LEG.1 - PHIL SHEPHARD - PUBLICATION: WEST AUSTRALIAN - 05/05/2012 - LOCAL PLANNING SCHEME AVAILABLE FOR INSPECTION - LOCAL PLANNING SCHEME NO.1	1,162.04
EFT75209	21/06/2012	WESTERN STABILISERS PTY LTD	DOWN RD (SLK 0.30 - 3.60) CONTRACT AS PER TENDER	1,886.38
EFT75210	21/06/2012	WEST AUSTRALIAN NEWSPAPERS LIMITED	ADVERTISING	1,078.00
EFT75211	21/06/2012	WESTSHRED DOCUMENT DISPOSAL	DOCUMENT DISPOSAL	405.90
EFT75212	21/06/2012	WESTERN WORK WEAR	UNIFORMS	681.06
EFT75213	21/06/2012	CAMERON WOODS	FUEL REIMBURSEMENTS	70.02
EFT75214	21/06/2012	WREN OIL	WASTE OIL DISPOSAL	514.25
EFT75215	21/06/2012	YAKKA PTY LTD	HIRE OF TRAFFIC CONTROL	184.52
EFT75216	21/06/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	55.07
EFT75217	21/06/2012	BLOKTEK PTY LTD	Hire of plant & equipment for works on Bayview Drive	62,492.50
EFT75219	28/06/2012	ALBANY COMMUNITY HOSPICE	Payroll deductions	44.00
EFT75220	28/06/2012	AMP SUPERANNUATION LIMITED	Superannuation contributions	1,558.18
EFT75221	28/06/2012	AUSTRALIAN TAXATION OFFICE	Payroll deductions	220,873.10
EFT75222	28/06/2012	AUSTRALIAN SERVICES UNION WA BRANCH	Payroll deductions	3,913.80
EFT75223	28/06/2012	PRIME SUPER	Superannuation contributions	319.88
EFT75224	28/06/2012	AUSTRALIAN SUPER	Superannuation contributions	1,452.53
EFT75225	28/06/2012	AUSTRALIAN ETHICAL SUPERANNUATION FUND	Superannuation contributions	228.14
EFT75226	28/06/2012	BANSCOTT SUPER FUND	Superannuation contributions	666.46
EFT75227	28/06/2012	BT SUPER FOR LIFE	Superannuation contributions	381.36
EFT75228	28/06/2012	CHILD SUPPORT AGENCY	Payroll deductions	570.72
EFT75229	28/06/2012	COLONIAL FIRST STATE ROLLOVER & SUPER FUND	Superannuation contributions	402.64
EFT75230	28/06/2012	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	Superannuation contributions	737.40
EFT75231	28/06/2012	COLONIAL FIRST STATE WHOLESALE SUPER FUND	Superannuation contributions	255.91
EFT75232	28/06/2012	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	Superannuation contributions	912.12
EFT75233	28/06/2012	GENERATIONS PERSONAL SUPER FUND	Superannuation contributions	100.37
EFT75234	28/06/2012	GENERATIONS PERSONAL SUPER FUND	Payroll deductions	449.70
EFT75235	28/06/2012	GENERATIONS PERSONAL SUPER FUND	Superannuation contributions	55.76
EFT75236	28/06/2012	HBF OF WA	Payroll deductions	732.40
EFT75237	28/06/2012	ING INTEGRA SUPER	Superannuation contributions	241.54
EFT75238	28/06/2012	ING ONE ANSWER PERSONAL SUPER	Superannuation contributions	402.88
EFT75239	28/06/2012	ING INTEGRA SUPER	Superannuation contributions	220.32
EFT75240	28/06/2012	MACQUARIE BANK LIMITED	Superannuation contributions	3,163.81
EFT75241	28/06/2012	OAK TREE SUPERANNUATION FUND	Superannuation contributions	74.40
EFT75242	28/06/2012	REST SUPERANNUATION	Superannuation contributions	3,979.13

## AGENDA ITEM 4.1 REFERS

EFT75243	28/06/2012	MARITIME SUPER	Superannuation contributions	166.89
EFT75244	28/06/2012	SPECTRUM SUPER	Superannuation contributions	346.78
EFT75245	28/06/2012	THE UNIVERSAL SUPER SCHEME	Superannuation contributions	644.04
EFT75246	28/06/2012	WA LOCAL GOVT SUPERANNUATION	Superannuation contributions	105,332.84
EFT75247	28/06/2012	WAYNE JOHN STEAD PTY LTD SUPERANNUATION FUND	Payroll deductions	2,039.83
EFT75248	28/06/2012	WESTSCHEME	Superannuation contributions	2,460.31
EFT75249	28/06/2012	ABA SECURITY	SECURITY SERVICES	10,920.80
EFT75250	28/06/2012	ADVANCED PERSONNEL MANAGEMENT	EMPLOYMENT SCREENING	426.25
EFT75251	28/06/2012	ADVERTISER PRINT	BUSINESS CARDS FOR THE MAYOR DENNIS WELLINGTON	280.00
EFT75252	28/06/2012	ALBANY INDOOR PLANT HIRE	INDOOR PLANT HIRE	980.31
EFT75253	28/06/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY SUPPLIES	177.75
EFT75254	28/06/2012	ALBANY DRIVING SCHOOL	HR TRAINING DEMELZA ARMSTRONG	1,620.00
EFT75255	28/06/2012	ALBANY QUALITY LAWNMOWING	LAWN MOWING AT THE LOTTERIES HOUSE	100.00
EFT75256	28/06/2012	ALBANY INDEPENDENT CARPETS	Supply and install of indoor/outdoor carpet to Albany Community Radio studio	2,500.00
EFT75257	28/06/2012	ALBANY JUNIOR SOCCER ASSOCIATION	KIDSPORT VOUCHERS	1,725.00
EFT75258	28/06/2012	ALINTA	GAS FOR DAYCARE	402.45
EFT75259	28/06/2012	PAPERBARK MERCHANTS (FORMERLY ANGUS AND ROBERTSON BOOK WORLD)	NEWSPAPERS/BOOKS/MAGAZINES/STATIONERY	2,345.40
EFT75260	28/06/2012	ARTCRAFT PTY LTD	SIGNAGE	220.00
EFT75261	28/06/2012	ATC WORK SMART	TEMPORARY STAFF	7,645.87
EFT75262	28/06/2012	YVONNE ATTWELL	DEPUTY MAYORALL ALLOWANCES AND SITTING FEE 1/4/2012 - 30/6/2012	3,200.00
EFT75263	28/06/2012	AUDIOCOM ALBANY	IPHONE EQUIPMENT	415.00
EFT75264	28/06/2012	BAIL SAND & GRAVEL SUPPLIES	Cubic metres COMPACTION SAND	1,430.00
EFT75265	28/06/2012	BAREFOOT CLOTHING MANUFACTURERS	UNIFORMS	892.35
EFT75266	28/06/2012	BARRETT'S MINI EARTHMOVING & CHIPPING	PRUNING CONTRACTOR	3,680.00
EFT75267	28/06/2012	BENNETT'S BATTERIES	BATTERY SUPPLIES	114.40
EFT75268	28/06/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hours Hire Traffic Control 15/16 May 2012	1,020.38
EFT75269	28/06/2012	BLOOMIN FLOWERS	FLORAL ARRANGEMENT	50.00
EFT75270	28/06/2012	ALBANY BOBCAT SERVICES	Reshape crossover to divert water from road	1,240.00
EFT75271	28/06/2012	JA & NL BOCCAMAZZO	SUPPLY AND INSTALL NSW BLACKBUTT FLOORING TO SENIOR CITIZENS FUNCTION ROOM	23,342.00
EFT75272	28/06/2012	DAVID BOSTOCK	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75273	28/06/2012	SARAH BOWLES	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75274	28/06/2012	BROWNE'S FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	232.61
EFT75275	28/06/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE	221.17
EFT75276	28/06/2012	VINCE CALLEJA	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75277	28/06/2012	CAMLIN SPRINGS WATER DISTRIBUTORS	WATER CONTAINER REFILLS	204.00
EFT75278	28/06/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	126.50
EFT75279	28/06/2012	CHILDREN'S BOOK COUNCIL OF AUSTRALIA	CBW MERCHANDISE - CHAMPIONS READ	176.50
EFT75280	28/06/2012	CHRIS O'KEEFE CONSTRUCTION COST CONSULTANT	PADRE WHITE PROJECT - QS SERVICES	440.00
EFT75281	28/06/2012	BIS CLEANAWAY LIMITED	RUBBISH REMOVAL CONTRACT	2,616.54
EFT75282	28/06/2012	COCA-COLA AMATIL PTY LTD	CATERING SUPPLIES	113.88
EFT75283	28/06/2012	COFFEY COMMERCIAL ADVISORY PTY LTD	CENTENNIAL PARK RECREATION PRECINCT MASTERPLAN	10,032.00
EFT75284	28/06/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	334.22
EFT75285	28/06/2012	COUNTRY ARTS SA	CONFERENCE PASS	742.63

AGENDA ITEM 4.1 REFERS

EFT75286	28/06/2012	COVS PARTS PTY LTD	VEHICLE PARTS	467.17
EFT75287	28/06/2012	HOLCIM (AUSTRALIA) PTY LTD	TONNES OF METAL DUST	1,422.54
EFT75288	28/06/2012	CULTURAL PARTNERS AUSTRALIA	REFUND FOR KEY DEPOSIT FOR LOTTERIES HOUSE CONFERENCE ROOM 18/6/2012	10.00
EFT75289	28/06/2012	AL CURNOW HYDRAULICS	VEHICLE PARTS/MAINTENANCE	28.38
EFT75290	28/06/2012	DE LAGE LANDEN PTY LIMITED	COMPUTER LEASING	5,867.40
EFT75291	28/06/2012	DENMARK WALPOLE FOOTBALL CLUB	KIDSPORT VOUCHERS	495.00
EFT75292	28/06/2012	LANDGATE - PROPERTY & VALUATIONS	LAND ENQUIRIES	408.00
EFT75293	28/06/2012	DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	DOCUMENT PREP & LODGEMENT FEES - LEASE K388713	267.00
EFT75294	28/06/2012	DIGITAL EDUCATION SERVICES	TUMBLEBOOKS UNPLUGGED	132.00
EFT75295	28/06/2012	CAROLYN DOWLING	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75296	28/06/2012	DON DUFTY	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	1,750.00
EFT75297	28/06/2012	EASIFLEET MANAGEMENT	MOTOR VEHICLE LEASE RENTAL - NOVATED LEASE	444.46
EFT75298	28/06/2012	ELITE POOL COVERS	POOL MAINTENANCE	2,145.00
EFT75299	28/06/2012	ALBANY ENGINEERING COMPANY	Supply and fit cutting edge to bobcat bucket	910.89
EFT75300	28/06/2012	EYERITE SIGNS	SIGNWRITING/SIGN PURCHASES	16.50
EFT75301	28/06/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	83.72
EFT75302	28/06/2012	ALBANY FILTER CLEAN	CATERING SUPPLIES	28.00
EFT75303	28/06/2012	THE FIXUPPERY	WINDOW CLEANING	228.01
EFT75304	28/06/2012	ALL TRUCK REPAIRS	PLANT/VEHICLE REPAIRS	1,670.64
EFT75305	28/06/2012	FUELS WEST PETROLEUM	LITRES DIESEL FUEL	21,979.57
EFT75306	28/06/2012	GALLERY 500	ART SUPPLIES	345.00
EFT75307	28/06/2012	SANDRA GILFILLAN	FAUNA ASSESSMENT AND REPORT FOR MT MELVILLE	1,680.00
EFT75308	28/06/2012	GLASS SUPPLIERS	REPAIRS TO TOWN HALL FEMALE DISABLED TOILETS	279.40
EFT75309	28/06/2012	GORDON WALMSLEY PTY LTD	ASPHALT SUPPLIES	251,373.50
EFT75310	28/06/2012	GRANDE FOOD SERVICE	CATERING SUPPLIES	343.74
EFT75311	28/06/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	1,817.74
EFT75312	28/06/2012	GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	Provide training program for Asbestos Identification	462.00
EFT75313	28/06/2012	GREEN SKILLS INC	TEMPORARY STAFF	6,154.50
EFT75314	28/06/2012	GREAT SOUTHERN PERSONNEL	LIBRARY ASSISTANT	74.76
EFT75315	28/06/2012	GREAT SOUTHERN SAND AND LANDSCAPING SUPPLIES	CONTRACT C12006 - CENTENNIAL PARK LIVING STREAM RESTORATION	74,028.35
EFT75316	28/06/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING GOODS	2,017.90
EFT75317	28/06/2012	GERRY GREGSON	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75318	28/06/2012	HANSON EXECUTIVE MANAGEMENT	COMMUNICATION SERVICES	1,787.50
EFT75319	28/06/2012	HARVEY WORLD TRAVEL (ALBANY)	AIR FARE 29/04/2012 - MIKE RICHARDSON	1,273.00
EFT75320	28/06/2012	HARVEY NORMAN ELECTRICAL ALBANY	33625 - CAFE GRILL	49.00
EFT75321	28/06/2012	HERBERT	GRAVEL ROYALTIES	2,976.60
EFT75322	28/06/2012	CHRISTOPHER HOLDEN	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75323	28/06/2012	ALAN HORTIN	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75324	28/06/2012	ISIS CAPITAL LIMITED	MONTHLY GYM EQUIPMENT	3,494.82
EFT75325	28/06/2012	JACK THE CHIPPER	HOURS HIRE OF TRACTOR MULCHER AT SETTLERS ACCESS	1,331.00
EFT75326	28/06/2012	JOHN ALEXANDER JAMIESON	Carry out survey work and preparation of a new deposited plan, including Landgate fees	4,702.50
EFT75327	28/06/2012	JIMS TEST AND TAG	TESTING AS PER INVOICE NUMBER ET-1059	802.58
EFT75328	28/06/2012	JJ'S HIAB SERVICES	Hours Hire of Truck 14 June 2012	352.00
EFT75329	28/06/2012	JUDE CODNER	EA TO THE CEO	4,585.00

## AGENDA ITEM 4.1 REFERS

EFT75330	28/06/2012	JUST SEW EMBROIDERY	EMBROIDERY	11.00
EFT75331	28/06/2012	PAULA KEENAN	FITNESS CONSULTANT 18/6 & 25/6	2,106.00
EFT75332	28/06/2012	KLB SYSTEMS	PI Electronique Spin 15 POS - 15 LCD Diskless POS system bundled with Thermal printer with extended interface"	28,285.40
EFT75333	28/06/2012	KNOTTS PLUMBING PTY LTD	Remove and lower gutters install underflashings install 250x250x400 rain heads install3 galvin stormwater downpipe boxes	5,126.26
EFT75334	28/06/2012	LA FREEGARD	SUPPLY OF CHIPPER FOR STORM CLEANUP	5,436.00
EFT75335	28/06/2012	LOVES BUS SERVICE	Bus trips North Albany Senior High School to Vancouver Arts Centre return	389.40
EFT75336	28/06/2012	ALBANY PARTY HIRE	ALAC CATERING	130.00
EFT75337	28/06/2012	MAIN ROADS DEPARTMENT	ELLEKER GRASMERE RD BRIDGE REPLACEMENT	85,800.00
EFT75338	28/06/2012	ALBANY CITY MOTORS	VEHICLES/VEHICLE PARTS/REPAIRS	261.25
EFT75339	28/06/2012	MCKAY LEGAL WA	LEGAL FEES	14,037.65
EFT75340	28/06/2012	MINORBA GRAZING CO	TIMBER SUPPLIES	1,178.00
EFT75341	28/06/2012	MT ROMANCE AUSTRALIA PTY LTD	Hand sanitiser 1 litre pump pack	29.92
EFT75342	28/06/2012	MT BARKER COMMUNICATIONS	TWO WAY RADIO REPAIRS/MAINT	279.40
EFT75343	28/06/2012	LGIS LIABILITY	HEALTH RISK ASSESSMENTS	726.00
EFT75344	28/06/2012	NINDETHANA SEED SERVICE	SEED FOR GEORGE STREET RESERVE REVEGETATION SITE	4,750.30
EFT75345	28/06/2012	PAUL ARMSTRONG PANELBEATERS	REPAIRS TO A60970	645.76
EFT75346	28/06/2012	PERTH PRESSURE JETTING SERVICES TRUST	Supply high pressure jetting truck and suction truck	12,427.89
EFT75347	28/06/2012	PLATTERS GOURME	CATERING	2,155.00
EFT75348	28/06/2012	ALBANY POLICE AND CITIZENS YOUTH CLUB	ELECTRICITY CHARGES - SKATE PARK AS AT 22/6/2012	448.95
EFT75349	28/06/2012	RAECO INTERNATIONAL PTY LTD	28450CA DURASEAL 450 * 50	743.25
EFT75350	28/06/2012	AUSTRALIAN RED CROSS	REFUND FOR DUPLICATED RETURN OF GRANT MONIES - REFER RECEIPTS 303339 & 308320	1,762.57
EFT75351	28/06/2012	REECE PTY LTD	PLUMBING SUPPLIES	43.61
EFT75352	28/06/2012	ELAINE FRANCES RENTON	Rates refund for assessment A64226	905.00
EFT75353	28/06/2012	JAMIE SCALLY	FMP SESSION 4 GET MOTIVATED GET PAID	200.00
EFT75354	28/06/2012	SEEK LIMITED	JOB ADVERTISING	946.00
EFT75355	28/06/2012	SHEILAH RYAN	ART FACILITATION	390.00
EFT75356	28/06/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	5,467.77
EFT75357	28/06/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	473.00
EFT75358	28/06/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	240.19
EFT75359	28/06/2012	STATEWIDE BUILDING CERTIFICATION WA	ISSUE CERTIFICATE OF CONSTRUCTION COMPLIANCE	3,432.00
EFT75360	28/06/2012	STIRLING CONFECTIONERY PLUS	CATERING SUPPLIES	1,522.43
EFT75361	28/06/2012	ST JOHN AMBULANCE AUSTRALIA	FIRST AID COURSE	165.00
EFT75362	28/06/2012	GREGORY BRIAN STOCKS	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75363	28/06/2012	ALBANY LOCK SERVICE	Town Hall master keys	59.40
EFT75364	28/06/2012	ROBERT SUTTON	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
EFT75365	28/06/2012	SYNERGY	ALAC POWER USAGE	30,012.00
EFT75366	28/06/2012	T & C SUPPLIES	HARDWARE TOOL SUPPLIES/MAINTENANCE	827.46
EFT75367	28/06/2012	THE HUB	MARKETING COMMUNICATIONS - APRIL 2012	495.00
EFT75368	28/06/2012	THE VEGIE SHOP	GROCERIES	165.75
EFT75369	28/06/2012	TOLL PRIORITY	FREIGHT COSTS	280.17
EFT75370	28/06/2012	TOTAL EDEN	RETICULATION SUPPLIES	711.52
EFT75371	28/06/2012	TOTAL GREEN RECYCLING	E-WASTE RECYCLING	3,324.20



## AGENDA ITEM 4.1 REFERS

EFT75372	28/06/2012	CENTAMAN SYSTEMS PTY LTD	CENTAMAN SYSTEM ANNUAL SUPPORT AND LICENSE FEE	8,194.89
EFT75373	28/06/2012	TRAILBLAZERS	MAKKO FLOAT	67.66
EFT75374	28/06/2012	TRUCKLINE	VEHICLE PARTS	45.10
EFT75375	28/06/2012	TURPS STEEL FABRICATIONS	REPAIRS TO STORM DAMAGED SKYLIGHTS LOWER KALGAN FIRE BRIGADE SHED	616.00
EFT75376	28/06/2012	ALBANY TYREPOWER	TYRE PURCHASES/MAINTENANCE	455.00
EFT75377	28/06/2012	UBIQUITI WAREHOUSE	UniFi AP - Ling Range 802.1 b/g/n - 3 Pack/Australian Power Cord Upgrade/NanoStation M5	757.48
EFT75378	28/06/2012	DENNIS WELLINGTON	MAYORALL ALLOWANCES AND SITTING FEE 1/4/2012 - 30/6/2012	16,250.00
EFT75379	28/06/2012	WESTERBERG PANEL BEATERS	VEHICLE REPAIRS - A60973	253.43
EFT75380	28/06/2012	WA LOCAL GOVERNMENT ASSOCIATION	POSITION VACANCIES ADVERTISING	3,614.82
EFT75381	28/06/2012	LANDMARK LIMITED	SUPPLY & DELIVERY OF 31 x 3 poles	962.50
EFT75382	28/06/2012	WESTERN WORK WEAR	UNIFORMS	237.60
EFT75383	28/06/2012	THE WINDOW WASHER MAN	CLEANING CONTRACT	230.00
EFT75384	28/06/2012	WOOD AND GRIEVE ENGINEERS	DESIGN OF BAY VIEW DR STAGE 2 PATHWAY	4,587.00
EFT75385	28/06/2012	YAKKA PTY LTD	UNIFORMS	386.31
EFT75386	28/06/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	66.26
EFT75388	28/06/2012	REST SUPERANNUATION	Superannuation contributions	205.40
EFT75389	29/06/2012	ALBANY LEGAL PTY LTD	ASSIGNMENT OF LEASE LOT 22 CHEYNE BEACH - GLORIA DAWSON	385.00
EFT75390	29/06/2012	AIR BP	AVGAS PURCHASES	335.12
EFT75391	29/06/2012	FUELS WEST PETROLEUM	Litres DIESEL FUEL delivered to Albany Airport on 28 June 2012	1,852.77
EFT75392	29/06/2012	IKEA INNALOO, CEBAS PTY LTD	SHELVING UNITS ETC FOR VISITORS CENTRE	1,565.90
EFT75393	29/06/2012	IMPART MEDIA PTY LTD	GADGET PACKAGE (BEGADGETS ADVANCED)	8,800.00
EFT75394	29/06/2012	STATEWIDE RACKING & STORAGE SOLUTIONS	SUPPLY AND INSTALL CUSTOM SLOTWALL DISPLAY SYSTEM	6,409.20
EFT75395	29/06/2012	KINJARLING INDIGENOUS CORPORATION	MONITORING WORKS AUBREY ROBERTS & NATHAN MINITER NORMAN BEACH 26/6/2012	800.00
EFT75396	29/06/2012	KLB SYSTEMS	10 X RC2009 PURPLE RIBBON STAR DOT MATRIX PLUS PAPER	434.50
EFT75397	29/06/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	2,894.98
EFT75398	29/06/2012	LIQUID LEARNING GROUP PTY LTD	Financial Management Tools for Asset Performance Optimisation Workshop 2012	2,359.50
EFT75399	29/06/2012	MT ROMANCE AUSTRALIA PTY LTD	VISITORS CENTRE MERCHANDISE	81.91
EFT75400	29/06/2012	RAECO INTERNATIONAL PTY LTD	Duraseal 28450CA 450mm x 50m/Duraseal 28600CA 6000mm x 50m	120.25
EFT75401	29/06/2012	SKAL INTERNATIONAL ALBANY	JUNE FUNCTION THE TOWN HALL	220.00
EFT75402	29/06/2012	SAI GLOBAL LTD	PURCHASE - AS1684, AS184 SUPPLEMENTS, AS 3700 AND AS4773	672.74
EFT75403	29/06/2012	TELSTRA CORPORATION LIMITED	ADSL SERVICES - AIRPORT APRIL - JUNE	89.85
EFT75404	29/06/2012	WATER CORPORATION	WATER USAGE CHARGES RESERVE AT MCNEAL LOOP MCKAIL	56.70
EFT75405	29/06/2012	AUSTRALIAN TAXATION OFFICE	Payroll deductions	3,425.00
EFT75406	29/06/2012	MACQUARIE BANK LIMITED	Payroll deductions	693.55
EFT75407	05/07/2012	ABA SECURITY	SECURITY SERVICES	3,591.50
EFT75409	05/07/2012	AD CONTRACTORS PTY LTD	LITRES OF CATAMOL	429.00
EFT75410	05/07/2012	AGCRETE ALBANY	CENTRE GRATES	3,273.60
EFT75411	05/07/2012	AUSTRALIAN AIRPORTS ASSOCIATION (AAA)	MEMBERSHIP RENEWAL TO AUSTRALIAN AIRPORTS ASSOCIATION 2012/13 FINANCIAL YEAR	3,850.00
EFT75412	05/07/2012	ALBANY SECURITY SUPPLIES	SECURITY SERVICES	332.50
EFT75413	05/07/2012	ALBANY INDUSTRIAL SERVICES PTY LTD	LOADER HIRE	1,996.50
EFT75414	05/07/2012	ALBANY STATIONERS	STATIONERY SUPPLIES	6.90
EFT75415	05/07/2012	ALBANY CHAMBER OF COMMERCE & INDUSTRY	SMARTER STRATEGIES WORKSHOP - VAN GORP AND BIRD	134.00

## AGENDA ITEM 4.1 REFERS

EFT75416	05/07/2012	ALBANY CURTAIN CENTRE	SUPPLY AND INSTALL BLOCKOUT LINED CURTAINS TO HALL - SENIORS CITIZENS CENTRE	3,398.00
EFT75417	05/07/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY ITEMS	750.95
EFT75418	05/07/2012	ALBANY MILK DISTRIBUTORS	City of Albany weekly milk order delivered to North Road	308.00
EFT75419	05/07/2012	ALBANY LEGAL PTY LTD	BUILDING OWNERSHIP ADVICE MATTER 10292	1,254.00
EFT75420	05/07/2012	ALBANY JUNIOR SOCCER ASSOCIATION	KIDSPORT VOUCHERS	1,050.00
EFT75421	05/07/2012	ALINTA	GAS USAGE CHARGES VAC 13/3/2012 - 15/6/2012	355.00
EFT75422	05/07/2012	ALL EVENTS PROSOUND HIRE	TECHNICAL SERVICE TO TOWN HALL - 4HRS	227.50
EFT75423	05/07/2012	ANNABEL JANE ARNOLD	ARTISTS WAY CLASS FACILITATION 5 JULY 2012	247.50
EFT75424	05/07/2012	ARTCRAFT PTY LTD	Traffic Cones with reflective Collar 700mm	3,373.70
EFT75425	05/07/2012	ASSURED IT NETWORK SOLUTIONS	PAESSIER PRTG NETWORK MONITOR ENTERPRISE 2500 LICENSE	4,949.23
EFT75426	05/07/2012	ATC WORK SMART	TEMPORARY STAFF	8,747.37
EFT75427	05/07/2012	AUDIOCOM ALBANY	IPHONE CASES	420.00
EFT75428	05/07/2012	AUSSIE DRAWCARDS PTY LTD	TOURISM MARKETING	1,725.00
EFT75429	05/07/2012	BAREFOOT CLOTHING MANUFACTURERS	UNIFORMS	205.50
EFT75430	05/07/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hire of Traffic Control on 2/23/25 & May 2012	11,849.62
EFT75431	05/07/2012	BEST OFFICE SYSTEMS	PP8000 USB Docket printer	2,499.31
EFT75432	05/07/2012	BLACKWOODS	WORKWEAR	459.57
EFT75433	05/07/2012	ALBANY BOBCAT SERVICES	Supply bobcat and truck to construct base course	1,480.00
EFT75434	05/07/2012	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY ONLINE TRAINING	385.00
EFT75435	05/07/2012	AIR BP	AV GAS PURCHASES	464.22
EFT75436	05/07/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	343.29
EFT75437	05/07/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE SUPPLIES	802.28
EFT75438	05/07/2012	CAMPBELL CONTRACTORS	CONTRACT C11013 CONSTRUCTION OF CONCRETE PATHWAY - ULSTER ROAD	12,353.00
EFT75439	05/07/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	2,427.47
EFT75440	05/07/2012	COCA-COLA AMATIL PTY LTD	SOFT DRINK FOR ALAC CAFE	3,327.65
EFT75441	05/07/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	77.07
EFT75442	05/07/2012	COURIER AUSTRALIA	FREIGHT CHARGES	735.38
EFT75443	05/07/2012	ALBANY SIGNS	SIGNAGE	1,056.00
EFT75444	05/07/2012	CRYSTAL GLASS PTY LTD	ALUMINIUM ANGLE	22.60
EFT75445	05/07/2012	HOLCIM (AUSTRALIA) PTY LTD	Tonnes METAL DUST	2,241.17
EFT75446	05/07/2012	AL CURNOW HYDRAULICS	VEHICLE PARTS	61.36
EFT75447	05/07/2012	DATA #3 LIMITED	Adobe Acrobat X License	14,669.35
EFT75448	05/07/2012	DENMARK VISITOR CENTRE	BACK PAGE ADVERTISEMENT - DENMARK TOURISM	4,400.00
EFT75449	05/07/2012	DENMARK WALPOLE JUNIOR FOOTBALL CLUB	KIDSPORT VOUCHER	75.00
EFT75450	05/07/2012	DON MILLAR PROJECTS	PROFESSIONAL SERVICES FOR JUNE 2012	5,342.33
EFT75451	05/07/2012	DON DUFTY	INFORMATION TECHNOLOGY ALLOWANCE	1,131.82
EFT75452	05/07/2012	EASYDRY AUSTRALIA & NEW ZEALAND	MEDIUM BLACK TOWELS X 900 - PO 31702	490.60
EFT75453	05/07/2012	EMMA MEGAN EVANS	PROFESSIONAL SERVICES JUNE 2012	3,250.00
EFT75454	05/07/2012	EYERITE SIGNS	SIGNWRITING/SIGN PURCHASES	3,950.10
EFT75455	05/07/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	29.41
EFT75456	05/07/2012	FLIPS ELECTRICS	The repair of Generator (Faulty RCD)	268.40
EFT75457	05/07/2012	GB MARINE	VEHICLE MAINTENANCE/REPAIRS	355.90
EFT75458	05/07/2012	GORDON WALMSLEY PTY LTD	40mm asphalt for Hanrahan Rd Landfill (Transfer Shed area)	20,728.00
EFT75459	05/07/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF - B CLIFTON	8,331.81

## AGENDA ITEM 4.1 REFERS

EFT75460	05/07/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING GOODS	5,574.20
EFT75461	05/07/2012	PROTECTOR FIRE SERVICES PTY LTD	Supply and Install Fire equipment at Albany Aiport Security Building as per quote 2 x 4.5kg AB(E) dry chemical powder typre fire extinguishers price includes delivery, installation and signage.	759.00
EFT75462	05/07/2012	HARVEY NORMAN ELECTRICAL ALBANY	DISPLAY SCREEN TV X 3/WALL BRACKETS X 3	3,224.85
EFT75463	05/07/2012	HOWARD AND HEAVER ARCHITECTS	Being Architectural Services rendered in relation to the Albany Airport Upgrade	346.50
EFT75464	05/07/2012	HUDSON SEWAGE SERVICES	INSPECTION & REPAIRS OF BIOMAX SYSTEM	396.00
EFT75465	05/07/2012	TERESA MARY HUGHES	BIG TRILL WORKSHOP CO-ORDINATORS FEE	500.00
EFT75466	05/07/2012	INSTITUTE OF PUBLIC WORKS ENGINEERING AUST LTD	ANNUAL SUBSCRIPTION SYSTEMS PLUS 1/7/2012 - 30/6/2012	550.00
EFT75467	05/07/2012	STATEWIDE RACKING & STORAGE SOLUTIONS	2x4 door lockers for airport security screening	523.00
EFT75468	05/07/2012	JOHN ALEXANDER JAMIESON	Volume Survey on Princess Avenue Limestone Pit	2,207.48
EFT75469	05/07/2012	JETBLACK MC	Re-skin Airport Display Frame	5,500.00
EFT75470	05/07/2012	KALGAN QUEEN SCENIC CRUISES	ADVERTISING	3,300.00
EFT75471	05/07/2012	KEN FREEGARD FILTER CLEANING	FILTER CHANGE	22.00
EFT75472	05/07/2012	KIDSAFE WESTERN AUSTRALIA	PLAYGROUND AUDIT AND CONSULTATION FOR EYRE PARK	3,000.00
EFT75473	05/07/2012	KLB SYSTEMS	Lenovo ThinkCentre M92p Tiny, Q77, i5-3470T, 2x 4Gb PC3-12800, 128Gb SSD as per quote Q21213856	55,841.50
EFT75474	05/07/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	476.17
EFT75475	05/07/2012	LA FREEGARD	TO SUPPLY CHIPPER AND REACHMOWER WITH CUTTER BAR FOR VEGETATION CONTROL	8,750.00
EFT75476	05/07/2012	LATRO LAWYERS	LEGAL ADVICE RE TERMINATION OF LICENCE - ERNEST SEXTUS PERKINS	445.50
EFT75477	05/07/2012	STATE LIBRARY OF WA	LOST/DAMAGED LIBRARY BOOKS	6,884.12
EFT75478	05/07/2012	LOWER GREAT SOUTHERN HOCKEY ASSOCIATION INC	KIDSPORT VOUCHERS	3,329.00
EFT75479	05/07/2012	LUSH FLORAL DESIGNS	Table arrangements for Naidoc week - Lush Floral	580.00
EFT75480	05/07/2012	M & B SALES PTY LTD	DUROCATE SOLID	107.25
EFT75481	05/07/2012	ALBANY PARTY HIRE	HIRE 5 TRESTLE TABLES FOR DINE4DEMENTIA	115.00
EFT75482	05/07/2012	METROOF ALBANY	STEEL SUPPLIES	407.03
EFT75483	05/07/2012	MODERN TEACHING AIDS PTY LTD	LIBRARY ITEMS	579.15
EFT75484	05/07/2012	MT BARKER COMMUNICATIONS	TWO WAY RADIO REPAIRS/MAINT	89.10
EFT75485	05/07/2012	MICHAEL JAMES O'DOHERTY	BUSKING/OTWG MATERIALS & LABOUR	670.00
EFT75486	05/07/2012	OKEEFE'S PAINTS	LITRE PAINT	49.00
EFT75487	05/07/2012	CORR ART	ARTISTIC DEVELOPMENT SERIES WEEK 7 & 8	280.00
EFT75488	05/07/2012	BRIAN PICKFORD	REIMBURSEMENTS ATTENDANCE TO WALGA FIRE & EMERGENCY SERVICE FORUM 31/5/2012 - 2/6/2012	262.13
EFT75489	05/07/2012	PIONEER HEALTH ALBANY	FLU VACCINES X 24 PLUS NURSE CONSULTS	630.00
EFT75490	05/07/2012	PLATTERS GOURME	CATERING FOR VAC	1,238.50
EFT75491	05/07/2012	PLASTICS PLUS	DEPOT STORAGE	56.10
EFT75492	05/07/2012	ALBANY POLICE AND CITIZENS YOUTH CLUB	KIDSPORT VOUCHERS	4,559.50
EFT75493	05/07/2012	ANGELA POULISH	CONTRACT MAJOR CONTRACTS ADMINISTRATION OFFICER 1/6/2012 - 30/6/2012	4,583.33
EFT75494	05/07/2012	REECE PTY LTD	STORMWATER SUPPLIES	159.37
EFT75495	05/07/2012	W P REID	Reinstate three driveways as per quote no: 74	6,645.00
EFT75496	05/07/2012	REXEL AUSTRALIA	ELECTRICAL SUPPLIES	199.68
EFT75497	05/07/2012	KEVIN ROY ROGERS	REFUND OF \$15 PAID FOR SECOND BOAT PEN KEY 28/11/11 - 9333-047	15.00
EFT75498	05/07/2012	ANGELA SANDERS	FAUNA ASSESSMENT OF RESERVE 35381 - PROPOSED PRESCRIBED BURN	2,000.00
EFT75499	05/07/2012	SAXXON IT	Wireless Configuration for Library	12,078.00

## AGENDA ITEM 4.1 REFERS

EFT75500	05/07/2012	KAITLYN SEYMOUR	ADMIN ASSISTANCE	288.00
EFT75501	05/07/2012	SHOP FOR SHOPS	SHOP MAINTENANCE	302.46
EFT75502	05/07/2012	SKAL INTERNATIONAL ALBANY	MEMBERSHIP FEES FOR 2012 TO 31 DECEMBER	240.00
EFT75503	05/07/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	7,815.19
EFT75504	05/07/2012	SMITHS ALUMINIUM & 4WD CENTRE	ALUMINIUM FABRICATION MATERIALS & LABOUR	181.00
EFT75505	05/07/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	1,110.17
EFT75506	05/07/2012	SOUTHERN TOOL & FASTENER CO	TOOLS/HARDWARE SUPPLIES	348.48
EFT75507	05/07/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	4,696.14
EFT75508	05/07/2012	SOUTHERN EDGE ARTS INC	KIDSPORT VOUCHERS	90.00
EFT75509	05/07/2012	SPOTLIGHT ALBANY PTY LTD	BALANCE OF PAYMENT FOR curtain for revealer in Impact	160.00
EFT75510	05/07/2012	ST JOHN AMBULANCE AUSTRALIA	First Aid Training - 27 & 28 June 2012 - Sofie Lines	165.00
EFT75511	05/07/2012	STORM OFFICE NATIONAL	COPIER CHARGES	58.66
EFT75512	05/07/2012	SUBWAY	CATERING	205.00
EFT75513	05/07/2012	ALBANY LOCK SERVICE	LOCKSMITH SERVICES,REPAIRS ETC	1,095.25
EFT75514	05/07/2012	T4 TECHNOLOGY	Apple Wired Keyboard	55.00
EFT75515	05/07/2012	T & C SUPPLIES	HARDWARE/TOOLS	2,660.82
EFT75516	05/07/2012	T & C SUPPLIES (RANGERS)	HARDWARE SUPPLIES	354.54
EFT75517	05/07/2012	PETER TANNER	Compac MR80P Diesel Pumps including converters to suit Fuelguard Management System as per quote PT1009	18,502.00
EFT75518	05/07/2012	RYAN LUKE TAYLOR	PROJECT OFFICER SERVICES 4/6/29012 - 4/7/2012	8,166.67
EFT75519	05/07/2012	DAVID THEODORE	TRAVEL REIMBURSEMENTS	18.53
EFT75520	05/07/2012	TRAILBLAZERS	WORK WEAR	160.00
EFT75521	05/07/2012	THE TROPHY SHOP	Contribution to Plaque for Lester Coyne	140.00
EFT75522	05/07/2012	TRU-BLU GROUP PTY LTD	DAYS HIRE OF AIR COMPRESSOR	118.80
EFT75523	05/07/2012	TWO MILE PROJECTS	PROFESSIONAL SERVICES JUNE 2012	11,825.70
EFT75524	05/07/2012	UPTOWN MUSIC	GIFT VOUCHER	300.00
EFT75525	05/07/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	GREEN WASTE SERVICES	414.00
EFT75526	05/07/2012	IT VISION AUSTRALIA PTY LTD	Supply of training Services as per Quote 2247	13,865.86
EFT75527	05/07/2012	DEBORAH WALKER	POLICE CLEARANCE FOR FIREARMS TRAINING/SECURITY LICENCE/WWC CHECK	129.80
EFT75528	05/07/2012	WATER CORPORATION	WATER USAGE CHARGES TOILETS AT LA PEREOUSE RD GOODE BEACH 13/2/2012 - 22/06/2012	56.60
EFT75529	05/07/2012	WATKINS CONTRACTORS	Cubic metres Mulch	1,122.00
EFT75530	05/07/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	80.52
EFT75531	05/07/2012	WELLSTEAD COMMUNITY RESOURCE CENTRE INC.	CLEANING OF LIBRARY SPACE	357.54
EFT75532	05/07/2012	WESTCARE INDUSTRIES	LIBRARY OUTWARD ADDRESS GREEN - ALBANY	181.51
EFT75533	05/07/2012	WESTERN WORK WEAR	UNIFORMS	482.64
EFT75534	05/07/2012	THE WINDOW WASHER MAN	WINDOW CLEANING AT VAC	40.00
EFT75535	05/07/2012	CRAIG ROBERT WYCH	Rates refund for assessment A194944	144.51
EFT75536	05/07/2012	AMANDA IRENE YORKE	FORTS VOLUNTEER TRAVELLING ALLOWANCE	67.20
EFT75537	05/07/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	88.66
EFT75538	05/07/2012	ALINTA	GAS SUPPLIES 11/5/2012 - 14/6/2012 52 BARKER RD	31,894.25
EFT75539	05/07/2012	LANDFILL GAS AND POWER PTY LTD	ELECTRICITY CHARGES 1/5/2012 - 9/5/2012	4,894.68
EFT75540	05/07/2012	SYNERGY	ELECTRICITY CHARGES NORTH ROAD/AIRPORT/LIBRARY/DEPOT 9/5/2012 - 18/6/2012	17,772.60
EFT75541	12/07/2012	A1 SANDBLASTING	SANDBLASTING OF TREAD FROM COASTAL GUN	600.00

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EFT75542	12/07/2012	ABA SECURITY	SECURITY SERVICES	47,312.33
EFT75543	12/07/2012	ABBOTTS LIQUID SALVAGE PTY LTD	PUMP OUT 10,000L OF WASTE WATER	250.00
EFT75544	12/07/2012	AD CONTRACTORS PTY LTD	EARTHMOVING WORKS & EQUIPMENT HIRE	199,859.22
EFT75545	12/07/2012	ADVERTISER PRINT	ANZAC BOOKS	625.00
EFT75546	12/07/2012	AEG OGDEN (PERTH) PTY LTD	NAIDOC AWARDS - ACE COSTS	4,449.35
EFT75547	12/07/2012	DEPARTMENT OF AGRICULTURE AND FOOD WESTERN AUSTRALIA	IQC DATA (DECLARED PLANTS) FOR ALL CITY OF ALBANY PROPERTIES	314.99
EFT75548	12/07/2012	EDENBORN PTY LTD	CONTRACT MOWING OF VERGES FOR JUNE 2012	4,534.10
EFT75549	12/07/2012	AIRSERVICES AUSTRALIA	2012 APRIL - JUNE QTR ILS/DME	41,926.91
EFT75550	12/07/2012	ALBANY FARM TREE NURSERY	PLANTS MILL PARK SKATE TRACK	148.54
EFT75551	12/07/2012	ALBANY SOIL AND CONCRETE TESTING	SOIL TESTING	1,435.50
EFT75552	12/07/2012	ALBANY V-BELT AND RUBBER	FILTERS/VEHICLE PARTS	744.13
EFT75553	12/07/2012	ALBANY REFRIGERATION	AIR CONDITIONING MAINTENANCE/REPAIRS	5,073.48
EFT75554	12/07/2012	ALBANY CARPET CHOICE	AIRPORT UPGRADE	525.00
EFT75555	12/07/2012	ALBANY HISTORICAL SOCIETY	CLEANING & MANNING THE BRIG AMITY FOR THE MONTH OF: APRIL MAY JUNE 2012	1,950.00
EFT75556	12/07/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY ITEMS	483.25
EFT75557	12/07/2012	ALBANY NEWS DELIVERY	NEWSPAPER DELIVERIES	222.70
EFT75558	12/07/2012	ALBANY LASERSCAPE	TEAM BUILDING FOR LIBRARY	299.00
EFT75559	12/07/2012	ALBANY PSYCHOLOGICAL SERVICES	CONSULTATIONS	561.00
EFT75560	12/07/2012	ALBANY MILK DISTRIBUTORS	MILK DELIVERIES DEPOT JUNE	437.58
EFT75561	12/07/2012	ALBANY DRIVEWAYS AND CARPARKS	CONSTRUCTION OF WALKING PATH BETWEEN GUN EMPLACEMENT WITH TWO COAT BITUMEN SEAL	5,423.00
EFT75562	12/07/2012	ALBANY OFFICE PRODUCTS - LIBRARY	FMP WORK READINESS KITS FOLDER	86.00
EFT75563	12/07/2012	ALBANY LEGAL PTY LTD	LEGAL FEES	2,117.39
EFT75564	12/07/2012	ALBANY ALLSOILS LANDSCAPE SUPPLIES	ALBANY CLASSIC BARRIER FUND	1,000.00
EFT75565	12/07/2012	ATCO GAS AUSTRALIA PTY LTD	GAS PIPE REPAIR	213.36
EFT75566	12/07/2012	JESSICA ANDERSON	CERT IV DRAFTING FEES	842.40
EFT75567	12/07/2012	ARDESS NURSERY	PLANT PURCHASES	43.52
EFT75568	12/07/2012	ARTCRAFT PTY LTD	SIGNAGE	585.20
EFT75569	12/07/2012	ATC WORK SMART	TEMPORARY STAFF	8,319.83
EFT75570	12/07/2012	MARK ATTWOOD	FORTS VOLUNTEER TRAVEL ALLOWANCE	172.80
EFT75571	12/07/2012	AUDIOCOM ALBANY	PHONE 4 CRADLES	477.00
EFT75572	12/07/2012	AUSSIE DRAWCARDS PTY LTD	RENEWAL OF AUSSIE DRAWCARDS FOR 2012/13 SEASON	880.00
EFT75573	12/07/2012	AUSTRALIA POST	POSTAGE FEES	2,591.07
EFT75574	12/07/2012	BAILEYS FERTILISERS	50 bags slow release fertiliser	3,080.00
EFT75575	12/07/2012	CHRISTINE BAKER	ART FACILITATION	400.00
EFT75576	12/07/2012	BARNESBY FORD	VEHICLE PARTS/MAINTENANCE	547.08
EFT75577	12/07/2012	BARRETT'S MINI EARTHMOVING & CHIPPING	TREE PRUNING	4,900.00
EFT75578	12/07/2012	BATTERY WORLD	BOXES OF BATTERIES FOR EMERGENCY	150.00
EFT75579	12/07/2012	BENNETTS BATTERIES	BATTERY PURCHASES	158.40
EFT75580	12/07/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hire of Traffic Control	11,778.80
EFT75581	12/07/2012	BERTOLA HIRE SERVICES ALBANY PTY LTD	HIRE OF MINI EXCAVATOR	257.40
EFT75582	12/07/2012	BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES	85.00
EFT75583	12/07/2012	BIO DIVERSE SOLUTIONS	QUOTATION TO PREPARE A BUSINESS CASE FOR COA CAMPSITES	10,670.00
EFT75584	12/07/2012	BLACKWOODS	SAFETY EQUIPMENT & SUPPLIES	54.38

AGENDA ITEM 4.1 REFERS

EFT75585	12/07/2012	ROBERT JOHN BLAIR	TRAVEL ALLOWANCE - FORTS	159.00
EFT75586	12/07/2012	BOC GASES AUSTRALIA LIMITED	CONTAINER SERVICE RENTAL	161.31
EFT75587	12/07/2012	SARAH BOWLES	MILEAGE REIMBURSEMENTS CLAIM	213.86
EFT75588	12/07/2012	WAYNE BRADLEY	TRAVEL ALLOWANCE - FORTS	72.00
EFT75589	12/07/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	439.74
EFT75590	12/07/2012	BUILDING COMMISSION	CTF LEVY LESS COMMISSION	7,457.77
EFT75591	12/07/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	TOOL EQUIPMENT AND CONSUMABLES	356.09
EFT75592	12/07/2012	CABCHARGE AUSTRALIA LIMITED	TAXI FARES	565.18
EFT75593	12/07/2012	CAMTRANS ALBANY PTY LTD	PACKS OF BGC EASIPAVE 60mm AUTUMN BLEND PAVERS	817.70
EFT75594	12/07/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	10,985.92
EFT75595	12/07/2012	BIS CLEANAWAY LIMITED	RUBBISH REMOVAL CONTRACT	230,442.82
EFT75596	12/07/2012	COCA-COLA AMATIL PTY LTD	SOFT DRINKS FOR ALAC CAFE	1,281.81
EFT75597	12/07/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	650.48
EFT75598	12/07/2012	CONTACH METAL INDUSTRIES	RAILS (FOR CONCRETE FORM WORK) @ 4 METRE LENGTHS	2,840.00
EFT75599	12/07/2012	CORRIGAN, ERIC	TRAVEL ALLOWANCE - FORTS	324.00
EFT75600	12/07/2012	TRUGRADE PTY LTD (FORMERLY COSMIC PRODUCTS)	GRAFFITI REMOVAL KITS	5,940.00
EFT75601	12/07/2012	COURIER AUSTRALIA	FREIGHT FEES	290.28
EFT75602	12/07/2012	ALBANY SIGNS	AIRPORT UPGRADE	3,667.40
EFT75603	12/07/2012	COVS PARTS PTY LTD	VEHICLE PARTS	114.76
EFT75604	12/07/2012	D & K ENGINEERING	VEHICLE PARTS/MAINTENANCE	220.00
EFT75605	12/07/2012	DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	FILE 50239-2007 LND 11180-11187 INC (RE-ALIGNMENT OF FRANCIS RD)	14,464.50
EFT75606	12/07/2012	G & M DETERGENTS & HYGIENE SERVICES ALBANY	HYGIENE CONTRACT	1,492.81
EFT75607	12/07/2012	MARGARET DICKINSON	TRAVEL ALLOWANCE - FORTS	36.00
EFT75608	12/07/2012	DIGITAL MAPPING SOLUTIONS	IT CONSULTING	5,016.00
EFT75609	12/07/2012	DOG ROCK VETERINARY CLINIC	ANIMAL EUTHANASIA	204.00
EFT75610	12/07/2012	DOME CAFE ALBANY	VOUCHERS FOR FORTS VOLUNTEERS	175.00
EFT75611	12/07/2012	JON & GRYSTJE DOUST	FMP - SESSION 9 MEET JON AND RADIOHEAD	550.00
EFT75612	12/07/2012	DYMOCKS ALBANY	'THE ARTISTS WAY' BOOK BY JULIA CAMERON	208.25
EFT75613	12/07/2012	EASIFLEET MANAGEMENT	VEHICLE LEASE	444.46
EFT75614	12/07/2012	SIMON EDWARDS	STAFF REIMBURSEMENTS	28.87
EFT75615	12/07/2012	EVERTRANS	MANUFACTURE & DELIVER TANDEM AXLE TRAILER	59,540.00
EFT75616	12/07/2012	EYERITE SIGNS	SIGNWRITING/SIGN PURCHASES	835.40
EFT75617	12/07/2012	FARMERS CENTRE (1978) PTY LTD	VEHICLE PARTS	196.75
EFT75618	12/07/2012	FLIPS ELECTRICS	REPAIR/OVERHAUL OF GRUNDFOS CR8 PUMP	1,457.00
EFT75619	12/07/2012	FRANEY & THOMPSON	TIMBER SUPPLIES	268.84
EFT75620	12/07/2012	FUELS WEST PETROLEUM	LITRES DIESEL FUEL	10,249.73
EFT75621	12/07/2012	GALLERY 500	ART SUPPLIES	300.00
EFT75622	12/07/2012	GLASS SUPPLIERS	REGLAZE WINDOWS/DOORS	77.00
EFT75623	12/07/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	481.18
EFT75624	12/07/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING GOODS	1,206.54
EFT75625	12/07/2012	GREENMAN TRADING COMPANY	Removal of limb on Bay street/Crown reduction and removal of trees located on COA firebreak West End of Bay Road	1,870.00
EFT75626	12/07/2012	GERRY GREGSON	STAFF REIMBURSEMENTS	745.84
EFT75627	12/07/2012	HANSON EXECUTIVE MANAGEMENT	EXCECUTIVE SERVICES	9,487.50
EFT75628	12/07/2012	PROTECTOR FIRE SERVICES PTY LTD	FIRE EQUIPMENT MAINTENANCE	338.25

AGENDA ITEM 4.1 REFERS

EFT75629	12/07/2012 HARLEY GLOBAL	VOLUME SURVEY ON TAKENUP ROAD GRAVEL PIT	4,295.50
EFT75630	12/07/2012 HARVEY NORMAN ELECTRICAL ALBANY	ELECTRICAL GOODS FOR AIRPORT UPGRADE	958.00
EFT75631	12/07/2012 WILFRED HATTON	TRAVEL ALLOWANCE - FORTS	145.20
EFT75632	12/07/2012 RATTEN & SLATER MACHINERY	VEHICLE PARTS/MAINTENANCE	193.39
EFT75633	12/07/2012 HUDSON HENNING AND GOODMAN	REVIEW OF COA PROPERTY MANAGEMENT LEASING POLICY AND GUIDELINES	2,128.21
EFT75634	12/07/2012 IBM AUSTRALIA LTD	MONTHLY SCHEDULE FOR SERVICES, IBM EXPRESS MANAGED SERVICES	2,614.16
EFT75635	12/07/2012 INTERACTCARD	DUA301OCU DUALYS CARD PRINTER	3,503.50
EFT75636	12/07/2012 ISIS CAPITAL LIMITED	MONTHLY GYM EQUIPMENT	3,494.82
EFT75637	12/07/2012 JACK THE CHIPPER	SUPPLY TRACTOR MULCHER TO MULCH WEEDS	3,388.00
EFT75638	12/07/2012 JOHN ALEXANDER JAMIESON	CARRY OUT SURVEY WORKS FOR BAKERS JUNCTION LANDFILL	4,727.80
EFT75639	12/07/2012 JASON SIGNMAKERS	FESA STRIPING TO VEHICLE	366.84
EFT75640	12/07/2012 JJ'S HIAB SERVICES	RETURN OF EXCESS MATERIALS FROM FLINDERS PDE	968.00
EFT75641	12/07/2012 JUST SEW EMBROIDERY	EMBROIDERY	11.00
EFT75642	12/07/2012 JUST A CALL DELIVERIES	INTERNAL MAIL DELIVERY SERVICE	875.60
EFT75643	12/07/2012 GEORGE KAVANAGH	TRAVEL ALLOWANCE - FORTS	600.00
EFT75644	12/07/2012 KESTON TECHNOLOGIES PTY LTD	DEPARTURE OF THE CONVOYS STUDY	14,135.00
EFT75645	12/07/2012 KIPLING CUTLER & ASSOCIATES	EMPLOYEE COUNSELLING	770.00
EFT75646	12/07/2012 KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	412.50
EFT75647	12/07/2012 LATRO LAWYERS	LEGAL FEES	4,823.74
EFT75648	12/07/2012 LGNET	LGNET ON LINE ADVERTISING	132.00
EFT75649	12/07/2012 STATE LIBRARY OF WA	LOST/DAMAGED BOOKS	97.90
EFT75650	12/07/2012 CALTEX ENERGY WA	FUEL PURCHASES	9,725.93
EFT75651	12/07/2012 ALBANY PARTY HIRE	HIRE OF SASHES FOR TABLES	138.00
EFT75652	12/07/2012 ALBANY CITY MOTORS	VEHICLES/VEHICLE PARTS/REPAIRS	130.44
EFT75653	12/07/2012 MCKAY LEGAL WA	LEGAL FEES	4,450.05
EFT75654	12/07/2012 PHILLIP MCKINNON	TRAVEL ALLOWANCE - FORTS	300.00
EFT75655	12/07/2012 MCLEODS BARRISTERS & SOLICITORS	LEGAL FEES	1,855.44
EFT75656	12/07/2012 MERLE ANNE FLORIST	FLOWERS	50.00
EFT75657	12/07/2012 MIRA MAR VETERINARY SERVICES	DISPOSAL OF ANIMALS & VET FEES	448.20
EFT75658	12/07/2012 MODERN TEACHING AIDS PTY LTD	DAYCARE EQUIPMENT	58.52
EFT75659	12/07/2012 JOHN MOIR	RUBBISH REMOVAL FROM CAPE RICHE CAMPSITE	480.00
EFT75660	12/07/2012 DAWSON MOORE	TRAVEL ALLOWANCE - FORTS	168.00
EFT75661	12/07/2012 MT BARKER COMMUNICATIONS	TWO WAY RADIO REPAIRS/MAINT	363.00
EFT75662	12/07/2012 NATALIE RADIVOJEVIC	VAC ADMIN ASSISTANCE	270.00
EFT75663	12/07/2012 NIKANA CONTRACTING PTY LTD	RUBBISH REMOVAL CONTRACT	676.50
EFT75664	12/07/2012 ALBANY COMMUNITY PHARMACY	FLU VACCINATIONS	1,476.90
EFT75665	12/07/2012 DAVID NORTHERN	TRAVEL ALLOWANCE - FORTS	165.00
EFT75666	12/07/2012 OCLC (UK) LTD	AMLIB ANNUAL MAINTENANCE 1/07/2012 - 30/06/2013	11,108.03
EFT75667	12/07/2012 PETER O'CONNELL	TRAVEL ALLOWANCE - FORTS	187.20
EFT75668	12/07/2012 OKEEFE'S PAINTS	PAINT & PAINTING SUPPLIES	567.58
EFT75669	12/07/2012 OPUS INTERNATIONAL CONSULTANTS LTD	LOWER DENMARK RD	8,303.90
EFT75670	12/07/2012 ORICA AUSTRALIA P/L	CHLORINE SUPPLIES	352.94
EFT75671	12/07/2012 PACIFIC BIOLOGICS	PROLINK CASE	1,446.83
EFT75672	12/07/2012 PALMER EARTHMOVING (AUSTRALIA) PTY LTD	SUPPLY TRUCKS AND ROLLER FOR GRAVEL WORKS	15,950.00
EFT75673	12/07/2012 AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LIMITED	LICENSE FEES	2,834.13

## AGENDA ITEM 4.1 REFERS

EFT75674	12/07/2012	PHILLIPS MEDIA	PHOTOGRAPHY FOR NAIDOC AWARDS EVENING	1,170.00
EFT75675	12/07/2012	KAREN PIERCEY	NAIDOC WEEK CDS	84.97
EFT75676	12/07/2012	FULTON HOGAN INDUSTRIES	ASPHALT PATCHING	7,920.00
EFT75677	12/07/2012	PIPER ALDERMAN MANAGEMENT PTY LTD	PROFESSIONAL FEES	191.74
EFT75678	12/07/2012	PLASTICS PLUS	REPLACEMENT BIN	61.60
EFT75679	12/07/2012	PORTAL IT	ASA 5500 SSL VPN 10 PREMIUM USER LICENSE	1,127.28
EFT75680	12/07/2012	POWERHOUSE ARCHITECTURAL DRAFTING	REIMBURSEMENT FEE	120.00
EFT75681	12/07/2012	R & L BITUMEN REPAIR SERVICES	SUPPLY & LAY TWO COAT SEAL ON FOOTPATH AT BAYVIEW DRIVE	6,750.00
EFT75682	12/07/2012	RAMPED TECHNOLOGY	IT CONTRACTING FOR JUNE 2012	12,000.00
EFT75683	12/07/2012	REECE PTY LTD	PLUMBING SUPPLIES	125.80
EFT75684	12/07/2012	W P REID	WORKS CONTRACTING	11,909.00
EFT75685	12/07/2012	DOUGLAS REITZE	TRAVEL ALLOWANCE - FORTS	122.40
EFT75686	12/07/2012	RICOH	PHOTOCOPIER CHARGES	11,936.54
EFT75687	12/07/2012	SALES EXCHANGE	1 x mobile pedestal model number BSMP291F.	425.00
EFT75688	12/07/2012	THE SANDALWOOD CAFE	FORTS VOLUNTEER LUNCH	1,055.20
EFT75689	12/07/2012	SAXXON IT	WIRELESS CONFIGURATION FOR LIBRARY	7,920.00
EFT75690	12/07/2012	SEEK LIMITED	ADVERTISING - VACANCY - MANAGER OF RECREATIONAL SERVICES	236.50
EFT75691	12/07/2012	SENIOR CITIZENS CENTRE OF MEALS ON WHEELS ALBANY INC	ROOM HIRE AND CATERING FOR DINE4DEMENTIA EXPO 28 JUNE 2012	937.50
EFT75692	12/07/2012	SIGNS PLUS	NAME BADGES/SIGNAGE	176.05
EFT75693	12/07/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	2,594.81
EFT75694	12/07/2012	SKYWEST AIRLINES	FLIGHTS FOR MELISSA ORGAN AND RYAN TAYLOR RETURN TO PERTH 4/7/12	1,100.50
EFT75695	12/07/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	248.32
EFT75696	12/07/2012	SOUTHERN TOOL & FASTENER CO	HARDWARE SUPPLIES	452.30
EFT75697	12/07/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	810.97
EFT75698	12/07/2012	SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES	11,413.16
EFT75699	12/07/2012	SPORTSWORLD OF WA	SPORTS STORE MERCHANDISE	3,881.90
EFT75700	12/07/2012	BLUESCOPE DISTRIBUTION PTY LTD	STEEL SUPPLIES	23.69
EFT75701	12/07/2012	ST JOHN AMBULANCE AUSTRALIA	REGISTRATION FEES FOR STAFF TO ATTEND BASIC WORKPLACE FIRST AID	1,170.00
EFT75702	12/07/2012	MERVYN STRANGE	TRAVEL ALLOWANCE - FORTS	93.60
EFT75703	12/07/2012	ALBANY LOCK SERVICE	OPEN AND REPLACE LOCK FOR BAKERS JUNCTION SAFE	181.00
EFT75704	12/07/2012	SUPER CHEAP AUTOS	RECOVERY GEAR FOR VEHICLE	78.10
EFT75705	12/07/2012	SUPERLINE	3MM CLEAR ACRYLIC TABLE TOP 3010MM X 845MM - ARISS EDGES	926.75
EFT75706	12/07/2012	T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	1,142.04
EFT75707	12/07/2012	PETER TANNER	UPGRADE TO THE CALIBRATED PUMPS	4,295.50
EFT75708	12/07/2012	TESTO PTY LTD	Items as per your Quotation 11006243	719.18
EFT75709	12/07/2012	DAVID THEODORE	17 BOOKS FOR RETAIL OUTLET	115.00
EFT75710	12/07/2012	THE 12 VOLT WORLD	REPAIR TO TAIL LIGHTS AND CHECK BEACON	47.50
EFT75711	12/07/2012	THE VEGIE SHOP	GROCERIES	333.31
EFT75712	12/07/2012	THINKWATER ALBANY	IRRIGATION CONTROL SOFTWARE	5,566.55
EFT75713	12/07/2012	TOTAL EDEN	IRRIGATION SUPPLIES	541.80
EFT75714	12/07/2012	TOTAL GREEN RECYCLING	E-WASTE RECYCLING	3,051.79
EFT75715	12/07/2012	TOYOTA MATERIAL HANDLING (WA) PTY LTD	PURCHASE OF NEW TOYOTA 5SDK-8 SKID STEER LOADER	58,300.00
EFT75716	12/07/2012	TRAILBLAZERS	WORK WEAR	82.75
EFT75717	12/07/2012	THE TROPHY SHOP	FMP TROPHYS FOR PARTICIPANTS	325.50
EFT75718	12/07/2012	TRU-BLU GROUP PTY LTD	HIRE OF CHAINSAW	1,430.55



**AGENDA ITEM 4.1 REFERS**

EFT75719	12/07/2012 VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	LIME RUBBLE	962.50
EFT75720	12/07/2012 IT VISION AUSTRALIA PTY LTD	IT UPGRADES	4,669.50
EFT75721	12/07/2012 MICHAEL D. WALKER	TRAVEL ALLOWANCE - FORTS	345.00
EFT75722	12/07/2012 ALBANY & GREAT SOUTHERN WEEKENDER	MONTHLY FULL PAGE COMMUNITY	1,525.33
EFT75723	12/07/2012 LANDMARK LIMITED	HARDWARE SUPPLIES	352.00
EFT75724	12/07/2012 WESTSHRED DOCUMENT DISPOSAL	DOCUMENT DISPOSAL/SHARPS DISPOSAL	357.50
EFT75725	12/07/2012 WESTERN WORK WEAR	UNIFORMS	315.70
EFT75726	12/07/2012 WIZID PTY LTD	WRISTBANDS	523.60
EFT75727	12/07/2012 WOOD AND GRIEVE ENGINEERS	Palmdale Rd Design (SLK 4.80 - 7.80) 11/12	11,434.17
EFT75728	12/07/2012 YAKKA PTY LTD	WORKWEAR	28.83
EFT75729	12/07/2012 ZENITH LAUNDRY	LAUNDRY/LINEN SERVICES	23.54

**TOTAL**

**\$ 3,143,104.04**

AGENDA ITEM 4.1 REFERS

Chq	Date	Name	Description	Amount
28163	21/06/2012	MR JOHN BOCCOMAZZO	CROSSOVER SUBSIDIES	775.54
28164	21/06/2012	ALBANY PUBLIC LIBRARY	STAFF TEA MONIES APRIL - JUNE 2012	216.00
28165	21/06/2012	AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY	LICENCE RENEWAL FEES	228.00
28166	21/06/2012	CITY OF PERTH	LIBRARY LOST/DAMAGED STOCK	16.35
28167	21/06/2012	DEPARTMENT OF TRANSPORT	VEHICLE REGISTRATION	411.80
28168	21/06/2012	KATHERINE CAMPBELL-POPE	ALBANY BOAT SHOW ARTIST FEE	100.00
28169	21/06/2012	KMART ALBANY	UMBRELLAS FOR FORTS VOLUNTEERS	43.00
28170	21/06/2012	PETTY CASH - ALBANY REGIONAL DAY CARE CENTRE	PETTY CASH REIMBURSEMENTS	175.60
28171	21/06/2012	TELSTRA CORPORATION LIMITED	TELEPHONE USAGE CHARGES	673.96
28172	21/06/2012	WATER CORPORATION	WATER USAGE CHARGES - VARIOUS LOCATIONS	1,375.20
28173	21/06/2012	DEPARTMENT OF TRANSPORT	BALANCE OF BULK VEHICLE REGISTRATIONS	1,076.50
28174	21/06/2012	THE VENICE ALBANY	GIFT VOUCHERS - STAFF APPRECIATION FOR CONTRIBUTION TO YOUYI GAMES M GOULDTHORP AND S CARTER	125.00
28175	28/06/2012	AMP FLEXIBLE LIFETIME SUPER PLAN	Superannuation contributions	756.87
28176	28/06/2012	AMP RSA	Superannuation contributions	309.04
28177	28/06/2012	AMP LIFE LIMITED	Superannuation contributions	415.38
28178	28/06/2012	BT SUPER FOR LIFE	Superannuation contributions	752.40
28179	28/06/2012	CARE SUPER PTY LTD	Superannuation contributions	231.14
28180	28/06/2012	HESTA SUPER FUND	Superannuation contributions	847.22
28181	28/06/2012	IOOF INVESTMENT MANAGEMENT LTD	Superannuation contributions	798.30
28182	28/06/2012	MEDIA SUPER	Superannuation contributions	316.22
28183	28/06/2012	MLC NOMINEES PTY LTD	Superannuation contributions	381.36
28184	28/06/2012	MLC NOMINEES PTY LIMITED	Superannuation contributions	747.07
28185	28/06/2012	NATIONAL MUTUAL RETIREMENT FUND	Superannuation contributions	514.40
28186	28/06/2012	QSUPER LIMITED	Superannuation contributions	1,392.92
28187	28/06/2012	IOOF GLOBAL ONE (EX SKANDIA GLOBAL)	Superannuation contributions	780.92
28188	28/06/2012	IOOF GLOBAL ONE (EX SKANDIA GLOBAL)	Superannuation contributions	262.41
28189	28/06/2012	SUPERWRAP PERSONAL SUPER PLAN	Superannuation contributions	784.38
28190	28/06/2012	TOWER TRUST LIMITED	Superannuation contributions	309.04
28191	28/06/2012	UNI SUPER	Superannuation contributions	267.07
28192	28/06/2012	AIRSERVICES AUSTRALIA - PUBLICATIONS UNIT	AIRPORT RENEWAL	122.00
28194	28/06/2012	DEPARTMENT OF TRANSPORT	VEHICLE REGISTRATION	569.80
28195	28/06/2012	EAGLE BOYS PIZZA	FMP SESSION 6 CATERING PIZZA X 8	59.00
28196	28/06/2012	GB MARINE	OUTLANDER 500XT QUAD BIKE AS PER QUOTE	13,229.00
28197	28/06/2012	GIRL GUIDES GREAT SOUTHERN	KIDSPORT VOUCHERS	181.00
28198	28/06/2012	RAY HAMMOND	COUNCILLOR SITTING FEE AND ALLOWANCE 1/4/2012 - 30/6/2012	2,450.00
28199	28/06/2012	NARRIKUP NETBALL CLUB	KIDSPORT VOUCHERS	985.00
28200	28/06/2012	PATRICIA DABORN	ART SUPPLIES	390.00
28201	28/06/2012	PETTY CASH - DEPOT	PETTY CASH REIMBURSEMENTS	273.55
28202	28/06/2012	PETTY CASH - ALBANY PUBLIC LIBRARY	PETTY CASH REIMBURSEMENTS	245.70
28203	28/06/2012	SUNSUPER SUPERANNUATION	Superannuation contributions	256.82

AGENDA ITEM 4.1 REFERS

28204	28/06/2012	TELSTRA CORPORATION LIMITED	TELEPHONE CHARGES	18,396.66
28205	28/06/2012	WATER CORPORATION	To relocate water meter on North Road opposite City of Albany administration building as part of the Living Stream project at Centennial Park	4,554.90
28206	28/06/2012	WINDSOR LODGE COMO	ACCOMMODATION FOR STUART JAMIESON AND GARRY TURNER	315.50
28208	28/06/2012	CHAD CARTER	CROSSOVER SUBSIDY	188.00
28209	28/06/2012	ANDREAS ROILO	REFUND OF PAYMENT FOR INFRINGEMENT 00711	73.50
28210	28/06/2012	RONALD STEVENS	CROSSOVER SUBSIDY	211.55
28211	28/06/2012	STEPHANIE METCALF	REFUND OF SWIM LESSONS FOR AMAYA HEINZ	132.00
28212	28/06/2012	PAULINE HEILBRON	RE-IMBURSEMENT FOR PROCESSING ERROR ON CREDIT CARD	125.00
28213	05/07/2012	ELAINE MARSDEN	CROSSOVER SUBSIDY	211.55
28214	05/07/2012	DAVID PETER KERR	CROSSOVER SUBSIDY	158.55
28215	05/07/2012	MARGARET GIBSON	REFUND OF POUND FEES	50.00
28217	05/07/2012	CASH	INCREASE IN CASH FLOAT FOR HANRAHAN FROM \$250 TO \$350	100.00
28218	05/07/2012	CITY OF PERTH	LOST MISSING LIBRARY BOOKS	12.40
28220	05/07/2012	DEPARTMENT OF TRANSPORT	VEHICLE REGISTRATIONS	687.25
28221	05/07/2012	MAXWELL RAYMOND ELLIOTT	POLICE CLEARANCE FOR FIREARMS TRAINING	55.50
28223	05/07/2012	GIRL GUIDES GREAT SOUTHERN	KIDSPORT VOUCHERS	181.00
28224	05/07/2012	PETTY CASH - CITY OF ALBANY	PETTY CASH REIMBURSEMENTS	337.50
28225	05/07/2012	PETTY CASH - VANCOUVER ARTS CENTRE	PETTY CASH REIMBURSEMENTS	42.55
28226	05/07/2012	CITY OF VINCENT	LOST/DAMAGED LIBRARY BOOKS	10.75
28227	05/07/2012	CASH	SUNDOWNER FOR DAVID EVRETT FINGER FOOD AT EARL OF SPENCER	100.00
28228	12/07/2012	AUSTRALIAN INSTITUTE OF COMPANY DIRECTORS	LEADERS' EDGE LUNCHEON - DALE PUTLAND	70.00
28229	12/07/2012	NORMAN FREDERICK JOHN BADGER	TRAVEL ALLOWANCE - FORTS	124.80
28230	12/07/2012	JOHN CHARLES BEMBRIDGE	FORTS VOLUNTEER TRAVEL ALLOWANCE	14.40
28231	12/07/2012	ALBERT BUCKROYD	TRAVEL ALLOWANCE - FORTS	249.60
28232	12/07/2012	DEPARTMENT OF TRANSPORT	053A AMAZING ALBANY NUMBER PLATE	165.00
28233	12/07/2012	DEPARTMENT OF TRANSPORT	VEHICLE REGISTRATION	284.90
28234	12/07/2012	FINISHING TOUCHES	CHAIR COVERS FOR NAIDOC AWARDS EVENING	638.00
28235	12/07/2012	ADRIAN JOSEPH HINDS	TRAVEL ALLOWANCE - FORTS	615.00
28236	12/07/2012	BRIAN HOPE	TRAVEL ALLOWANCE - FORTS	648.00
28237	12/07/2012	IML LOGISTICS	FREIGHT FEES	175.56
28238	12/07/2012	KMART ALBANY	FMP - SESSION 8 INTERVIEW TECHNIQUES, GROOMING & PRESENTATION	251.00
28239	12/07/2012	L-3 COMMUNICATIONS AUSTRALIA PTY LTD	IT SERVICES	182,586.46
28240	12/07/2012	MARILYN LEBEZ	TRAVEL ALLOWANCE - FORTS	259.20
28241	12/07/2012	PETTY CASH - VISITORS CENTRE	PETTY CASH REIMBURSEMENTS	295.00
28242	12/07/2012	PETTY CASH - FORTS	PETTY CASH REIMBURSEMENTS	67.05
28243	12/07/2012	UNIVERSITY OF SOUTH AUSTRALIA	ANNUAL SUBSCRIPTION	445.00
28244	12/07/2012	ALANNA JINKS	REFUND ON OVERPAID FEES AT ALAC	117.75
28245	12/07/2012	A & C MCCracken	CROSSOVER SUBSIDY	193.89

**TOTAL**

**\$ 59,789.12**

TRUST CHEQUES AND ELECTRONICS FUNDS TRANSFER PAYMENTS

EFT/CHQ	Date	Name	Description	Amount
EFT75387	28/06/2012	CAROLYN DOWLING	REFUND OF NOMINATION FEE	80.00
28216	05/07/2012	STANLEY ROBERT NEGRI	FULL RETURN OF DEFECTS BOND LOTT 116 COPAL ROAD WAPC 136228	19,613.29
			<b>Total</b>	<b>19,693.29</b>

MASTERCARD TRANSACTIONS - JUNE 2012

Date	Payee	Description	Amount
23-June-2012	Skywest Airlines	Airfare D Welling - Albany/Perth, Perth/Albany Meeting C Barnett	514.35
05-June-2012	Perth Riverview Hotel	Accommodation A McEwan 6/6/12	289.00
06-June-2012	Qantas	Airfare B McKenna - Broome/Perth 18/8/12 Perth/Broome 25/8/12	655.71
06-June-2012	Skywest Airlines	Airfare A McEwan - Anzac Alliance	364.72
12-June-2012	Skywest Airlines	Airfare F James - MDC Legal	523.96
12-June-2012	Selex	Airport Maintenance (US - No GST)	1,205.67
13-June-2012	IP Australia	AVC Trademark	750.00
14-June-2012	Skywest Airlines	Airfare A McEwan - Airport Meeting	570.94
18-June-2012	Selex	Airport Maintenance (US - No GST)	295.86
27-June-2012	IP Australia	Airport - Trademark	500.00
Various	Sundry < \$ 200.00		585.05
<b>TOTAL</b>			<b>\$ 6,255.26</b>

Payroll - 14 June 2012 - 12 July 2012

27/06/2012	Sundry Pay	3,455.00
27/06/2012	Payroll	431,538.97
28/06/2012	Sundry Pay	2,158.81
29/06/2012	Sundry Pay	4,264.03
5/07/2012	Sundry Pay	2,827.40
5/07/2012	Sundry Pay	1,212.77
11/07/2012	Payroll	435,089.89
12/07/2012		4,150.98
		0.00
12/07/2012	Sundry Pay	
<b>TOTAL</b>		<b>884,697.85</b>

**4.2: FINANCIAL ACTIVITY STATEMENT – 31 JULY 2012**

**Responsible Officer** : Executive Director Corporate Services (G Adams)

**IN BRIEF**

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 July 2012.

**ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION****VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**The Financial Activity Statement for the period ending 31 July 2012 be RECEIVED.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 July 2012 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

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

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

**6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 JULY 2012**

FINANCIAL DETAIL NOT  
AVAILABLE AT TIME OF  
PRINTING

**7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 31 JULY 2012**

FINANCIAL DETAIL NOT  
AVAILABLE AT TIME OF  
PRINTING

**8. CITY OF ALBANY– STATEMENT OF FINANCIAL POSITION–AS AT 31 JULY 2012**

FINANCIAL DETAIL NOT  
AVAILABLE AT TIME OF  
PRINTING



**9. STATEMENT OF COMPREHENSIVE INCOME (BY NATURE OR TYPE) –  
AS AT 31 JULY 2012**

FINANCIAL DETAIL NOT  
AVAILABLE AT TIME OF  
PRINTING

**10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 31 JULY 2012**

FINANCIAL DETAIL NOT AVAILABLE AT TIME OF  
PRINTING

**11. FINANCIAL RATIOS - AS AT 31 JULY 2012**

FINANCIAL DETAIL NOT  
AVAILABLE AT TIME OF  
PRINTING

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS** *Expenditure for the period ending 31 July 2012 has been incurred in accordance with the 2012/13 proposed budget parameters. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.*

**13. VARIANCES TO BUDGET IN EXCESS OF \$100,000 - AS AT 31 JULY 2012**

FINANCIAL DETAIL NOT AVAILABLE AT TIME OF  
PRINTING

**POLICY IMPLICATIONS**

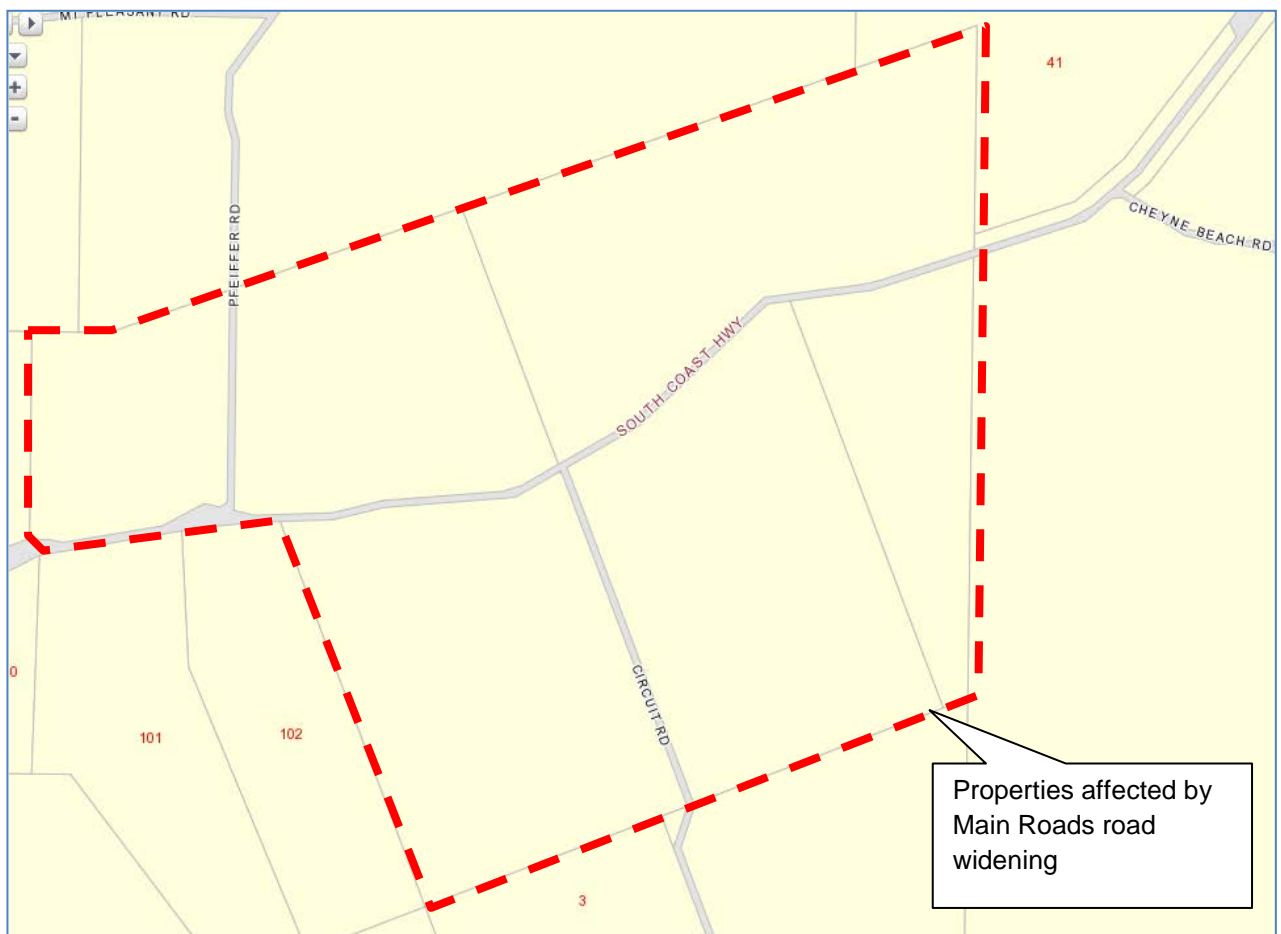
- 14. The City's 2012/13 Annual Budget provides a set of parameters that guides the City's financial practices.
- 15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**4.3: LOTS 5301- 5304 & 6179 SOUTH COAST HIGHWAY, MANYPEAKS – MAIN ROADS WA LAND REQUIREMENT FOR ROAD WIDENING**

- Land Description** : Lots 5301, 5302, 5303, 5304 & 6179 South Coast Highway, Manypeaks
- Proponent** : Main Roads WA
- Owner** : R & C Metcalfe; K & R Dewar; J & J Geddes; W & N Dixon
- Attachments** : Land Requirement Plans (produced by Main Roads WA – Drawings 201201-086-1; 201201-087; 201201-088; 201201-089-1; 201201-090)
- Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider the proposal by Main Roads WA to widen portion of South Coast Highway to facilitate reconstruction works in this 4.5km section of road. A resolution of Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

**RECOMMENDATION**

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

**THAT Council:**

- i) **SUPPORTS** the proposal by Main Roads WA to acquire land from Lots 5301-5304 (inclusive) and Lot 6179 South Coast Highway, Manypeaks (as depicted in Drawings 201201-086-1; 201201-087; 201201-088; 201201-089-1; 201201-090) to allow the widening of South Coast Highway, on the condition that Main Roads WA fully complies with the Taking by Agreement provisions of section 168 of the *Land Administration Act 1997*;
- ii) **SUPPORTS** the action by Main Roads WA to seek approval of the Minister for Lands, under section 56 of the *Land Administration Act 1997*, to dedicate the land to be taken for road widening as a public road;
- iii) **INDEMNIFIES** the Minister for Lands, on behalf of Main Roads WA, from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*; and
- iv) **REQUIRES** that Main Roads WA indemnify the Council against all costs and charges, including any claims for compensation that may arise, associated with this dedication action.

**BACKGROUND**

1. Main Roads WA has sought Council's support to acquire land from Lots 5301 – 5304 (inclusive) and Lot 6179 South Coast Highway, Manypeaks for inclusion in the South Coast Highway road reserve to facilitate reconstruction works scheduled to commence in the summer of 2013/14 and continuing into the next two financial years. Main Roads WA propose to resume the following land areas for road widening purposes:
  - a. Lot 5301 South Coast Highway (Metcalf) – 1.6634ha
  - b. Lot 5302 South Coast Highway (Dewar) – 5614m<sup>2</sup>
  - c. Lot 5303 South Coast Highway (Geddes) – 6395m<sup>2</sup>
  - d. Lot 5304 South Coast Highway (Dixon) – 4.0658ha
  - e. Lot 6179 South Coast Highway (Geddes) – 481m<sup>2</sup>
2. Main Roads WA has met with the affected landowners and discussed the proposed widening. The landowners have indicated their general verbal support, though two owners did request some changes to the original drawings. Main Roads WA has negotiated with these owners and the drawings attached to this item are those which have been amended to reflect the affected owners' wishes.



3. Main Roads WA has now sent written correspondence to the owners seeking their official support to the land resumption. Once received, Main Roads will continue the compensation negotiations, which may include financial compensation, the installation of new fencing and the installation of new crossovers etc.
4. Main Roads WA has requested that Council provide an appropriate resolution for the road widening, in order to satisfy the requirements of the *Land Administration Act 1997*.
5. Main Roads WA has indicated that it will indemnify Council against all costs and charges that relate to the dedication action.

### **DISCUSSION**

6. The request from Main Roads WA to assist with the widening of the South Coast Highway road reserve will support future reconstruction works. This is the next stage of a major upgrading program to improve South Coast Highway and is likely to take three years to complete.
7. Main Roads WA have advised that the amount of land resumed is determined by considering the following factors:
  - a. Land needed to meet current design and safety standards;
  - b. Land required for a service corridor (Telstra, Western Power etc)'
  - c. Drainage requirements;
  - d. Land necessary to meet Federal requirements for re-vegetation; and
  - e. In general, the amount of land needed to provide a road reserve that has a physical and visual amenity that is representative of a typical inter-regional Highway corridor.

Main Roads WA advise that these reconstruction projects involve replacement of aged and substandard infrastructure to meet current standards and will often involve realignment of substandard curves and improvement to vertical alignment and cross-section width. Though, the land resumed will be the minimum amount needed to meet all of the elements mentioned above.

8. The Department for Regional Development and Lands has previously confirmed that Main Roads WA does not have any power to comply with the provisions of Section 56 of the *Land Administration Act 1997* with respect to road dedication and the Council must do this on behalf of Main Roads WA. However, Main Roads WA is responsible for all of the consultation, costs and charges associated with this action.

### **GOVERNMENT CONSULTATION**

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

## **PUBLIC CONSULTATION / ENGAGEMENT**

10. No public consultation by the City of Albany is required on this proposal under the statutory provisions. Main Roads WA, as the body progressing the land acquisition and road widening processes, will be responsible for all negotiations with the affected landowners.

## **STATUTORY IMPLICATIONS**

11. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must indemnify the Minister for Lands against any claim for compensation.
12. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation.
13. Section 212 of the *Land Administration Act 1997* states that a claimant may request that the compensation for taking land be made in a form other than money. This would include works undertaken on their behalf.
14. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land shown as a new road or road widening on a diagram / plan of survey will be dedicated as a road.

## **STRATEGIC IMPLICATIONS**

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

***Key Focus Area***

*Lifestyle and Environment*

***Community Priority***

*Road Improvements*

***Proposed Strategies***

*Advocate to Main Roads for more overpassing lanes on Albany Highway and improvements to South Coast Highway*

## **POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

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

**ALTERNATE OPTIONS**

20. Council can:

- a) Decline the request and the section of South Coast Highway reserve will remain as is; or
- b) Support the request to allow for the road widening and dedication to improve the condition and safety of this section of South Coast Highway.

**SUMMARY CONCLUSION**

21. The proposed widening of South Coast Highway will be undertaken to facilitate roads works to improve the safety and standard of this section of the highway. Main Roads is negotiating with the affected landowners to secure the taking of the land by agreement and will be responsible for all administrative costs and processes to create the wider road reserve.

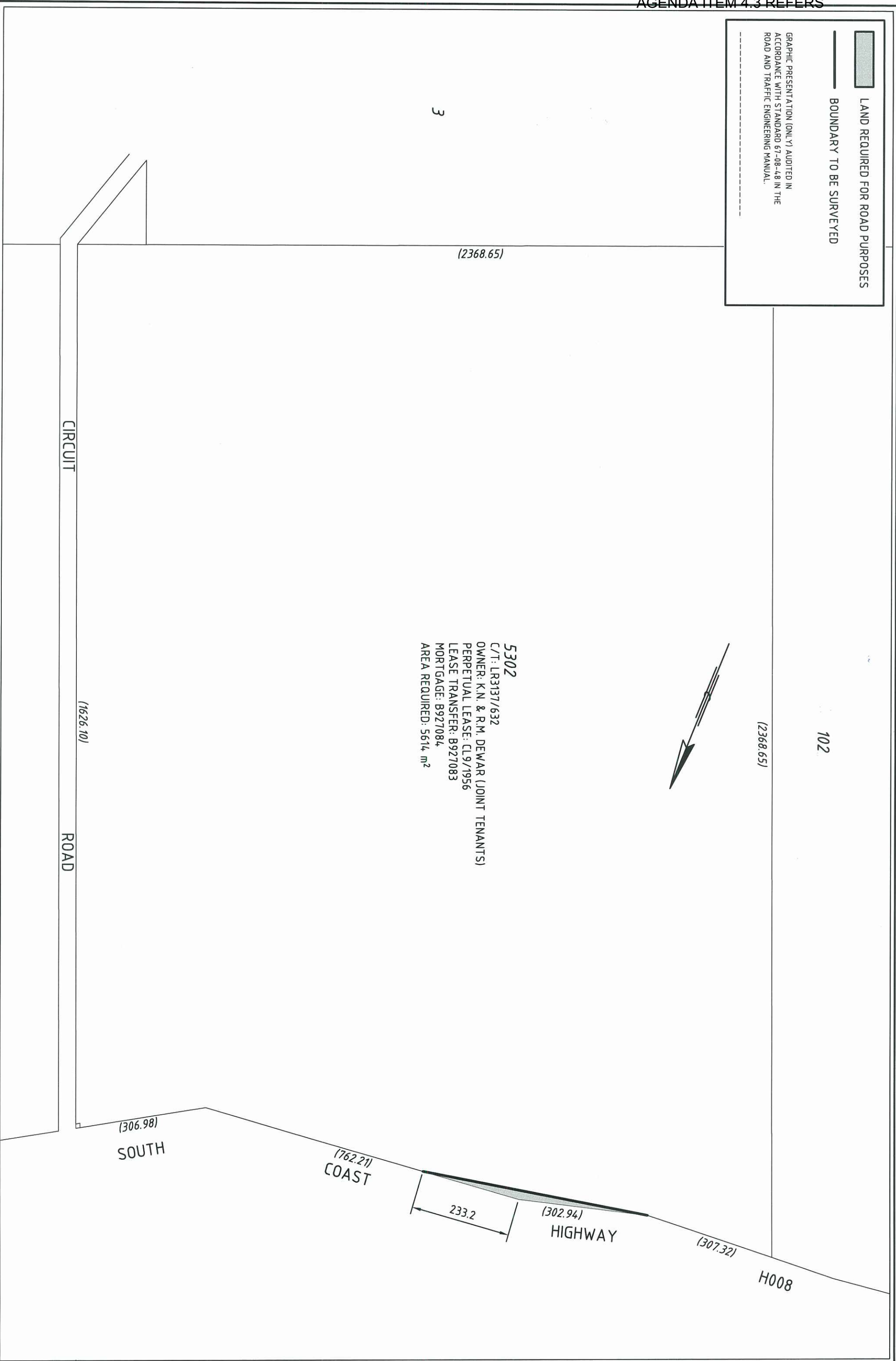
22. Council's resolution is sought to comply with the provisions of the *Land Administration Act 1997* relative to the dedication of this land as a road reserve as Main Roads WA do not have any powers under this Act.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Planning and Development Act 2005</i>
<b>File Number (Name of Ward)</b>	:	GR.STL.3
<b>Previous Reference</b>	:	No previous references



GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-48 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL.

LAND REQUIRED FOR ROAD PURPOSES  
BOUNDARY TO BE SURVEYED



**5302**  
 C/T: LR3137/632  
 OWNER: K.N. & R.M. DEWAR (JOINT TENANTS)  
 PERPETUAL LEASE: CL9/1956  
 LEASE TRANSFER: B927083  
 MORTGAGE: B927084  
 AREA REQUIRED: 5614 m<sup>2</sup>

AMENDMENTS		AMENDMENTS		AMENDMENTS	
No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE



METADATA	
GROUND SURVEY STANDARD:	
DATE OF CAPTURE:	
MAPPING SURVEY STANDARD:	
DATE OF CAPTURE:	
MAIN ROADS PROJECT ZONE:	
HEIGHT DATUM:	

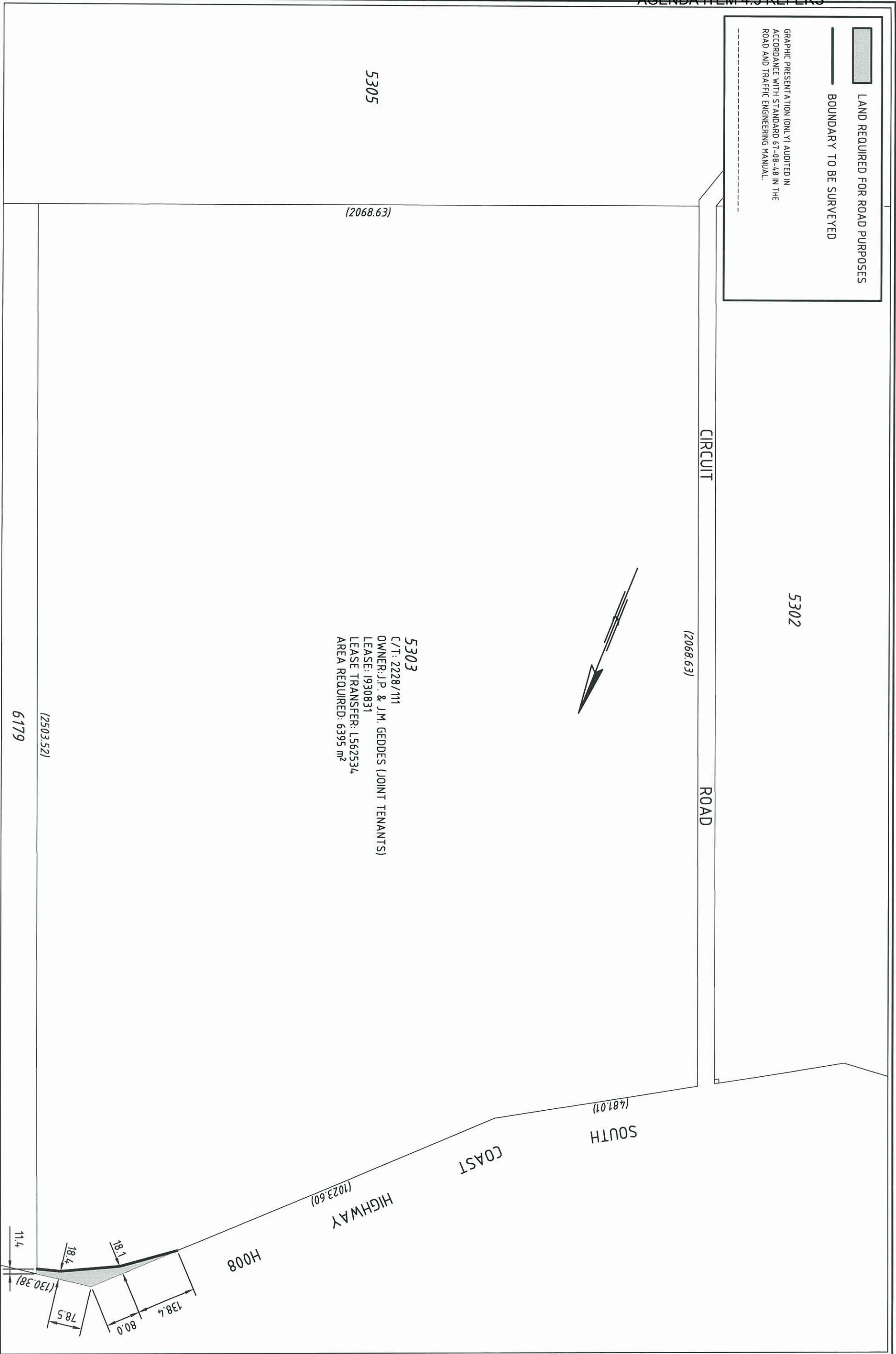
  



 REGIONAL SERVICES DIRECTORATE GREAT SOUTHERN REGION ALBANY 6332 Fax 9841 8213	SOUTH COAST HWY - H008 CHEYNESS SECTION 34.25 TO 36.60 SLK LAND REQUIREMENT PLAN
	LOCAL AUTHORITY: CITY OF ALBANY (E92)

DESIGNED: <i>[Signature]</i> FILE NUMBER: 12/3307 DRAWING NUMBER: 201201-087	J.B. <i>[Signature]</i> HOC VERIFIED: 5/6/12 APPROVED: 5/6/12
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 LAND REQUIRED FOR ROAD PURPOSES  
 BOUNDARY TO BE SURVEYED  
 GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-48 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL.

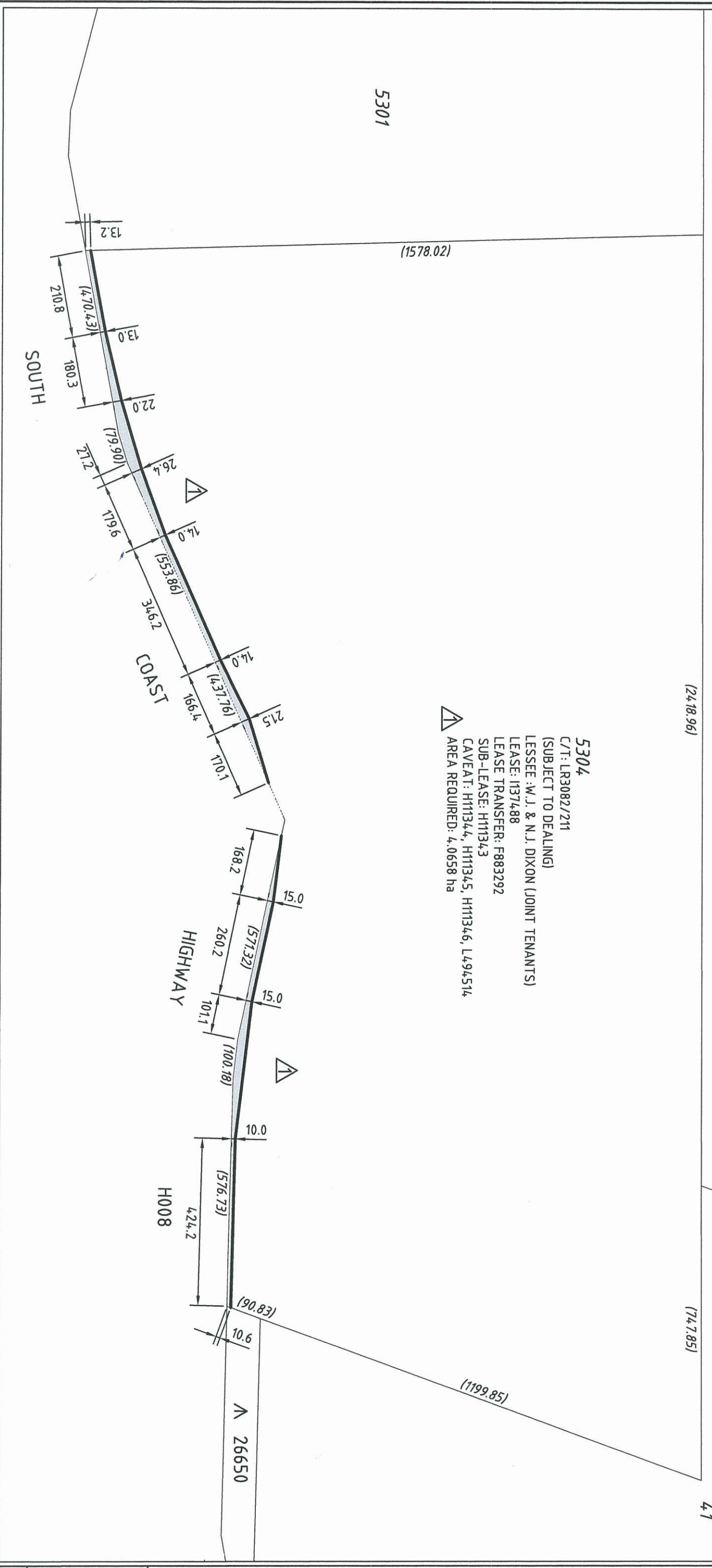


No.		DESCRIPTION		APPROVED & DATE		No.		DESCRIPTION		APPROVED & DATE	
AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS	
<p><b>METADATA</b></p> GROUND SURVEY STANDARD: DATE OF CAPTURE: MAPPING SURVEY STANDARD: DATE OF CAPTURE: MAIN ROADS PROJECT ZONE: HEIGHT DATUM:											
 REGIONAL SERVICES DIRECTORATE GREAT SOUTHERN REGION CHESTERPASS RD Telephone 9892 0555				 WESTERN AUSTRALIA ALBANY 6332 Fax 9841 8213				SOUTH COAST HWY - H008 CHEYNESS SECTION 36.25 TO 36.60 SILK LAND REQUIREMENT PLAN LOCAL AUTHORITY CITY OF ALBANY (922)			
DESIGNED		DRAWN		CHECKED		VERIFIED		APPROVED		APPROVED	
FILE NUMBER		DRAWING NUMBER		DATE		DATE		DATE		DATE	
12/3307		201201-088		12/3307		12/3307		12/3307		12/3307	
SCALE		MICROFILM DATE		AMENDMENT		AMENDMENT		AMENDMENT		AMENDMENT	
1:8000		A3		3		3		3		3	

**LAND REQUIRED FOR ROAD PURPOSES**

**BOUNDARY TO BE SURVEYED**

GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-4.8 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL.



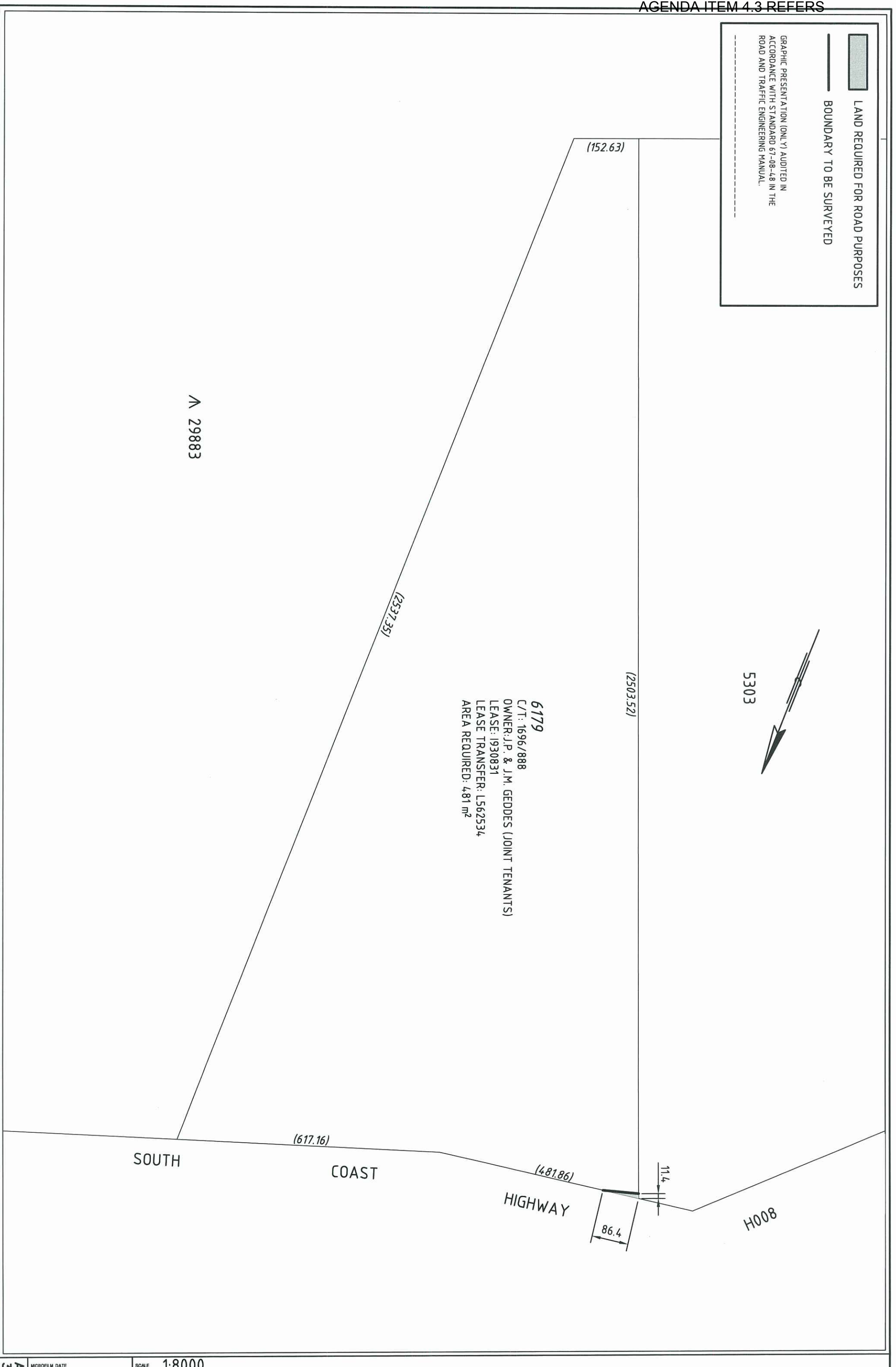
**5304**  
 C/T: LR3082/211  
 (SUBJECT TO DEALING)  
 LESSEE: W.J. & N.J. DIXON (JOINT TENANTS)  
 LEASE: 137488  
 LEASE TRANSFER: F883292  
 SUB-LEASE: H11343  
 CAVEAT: H11344, H11345, H11346, L494514  
 AREA REQUIRED: 4.0658 ha

1 LAND REQUIRED REDUCED.		AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS	
No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE
<p><b>METADATA</b></p> <p>GROUND SURVEY STANDARD:                  DATE OF CAPTURE:                  MAPPING SURVEY STANDARD:                  DATE OF CAPTURE:                  MAIN ROADS PROJECT ZONE:                  HEIGHT DATUM:</p> <p><b>Government of Western Australia</b>                  REGIONAL SERVICES DIRECTORATE                  GREAT SOUTHERN REGION                  ALBANY 6332                  CHESTERPASS RD                  Telephone 9892 0555 Fax 9841 8213</p> <p><b>mainroads</b>                  WESTERN AUSTRALIA</p> <p><b>SOUTH COAST HWY - H008</b>                  CHEYNE'S SECTION                  39.83 TO 46.43 SLK                  LAND REQUIREMENT PLAN</p> <p>LOCAL AUTHORITY: CTRY OF ALBANY (B22)</p> <p>DESIGNED: J.B. VERIFIED: R. STEVENS 5/6/2012                  DRAWN: MOC APPROVED: A. DUFFIELD 5/6/2012                  FILE NUMBER: 12/3307                  DRAWING NUMBER: 201201-089-1</p>											

LAND REQUIRED FOR ROAD PURPOSES

BOUNDARY TO BE SURVEYED

GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-48 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL.



6179  
 C/T: 1696/888  
 OWNER: J.P. & J.M. GEDDES (JOINT TENANTS)  
 LEASE: 1930831  
 LEASE TRANSFER: 1562534  
 AREA REQUIRED: 481 m<sup>2</sup>



No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE
AMENDMENTS					
AMENDMENTS					
AMENDMENTS					

METADATA	
GROUND SURVEY STANDARD:	
DATE OF CAPTURE:	
MAPPING SURVEY STANDARD:	
DATE OF CAPTURE:	
MAIN ROADS PROJECT ZONE:	
HEIGHT DATUM:	

		REGIONAL SERVICES DIRECTORATE
		GREAT SOUTHERN REGION
CHESTERPASS RD		ALBANY 6332
Telephone 9892 0555		Fax 9041 8213

SOUTH COAST HWY - H008
CHEYNES SECTION
34.25 TO 36.60 SLK
LAND REQUIREMENT PLAN
LOCAL AUTHORITY CITY OF ALBANY (992)

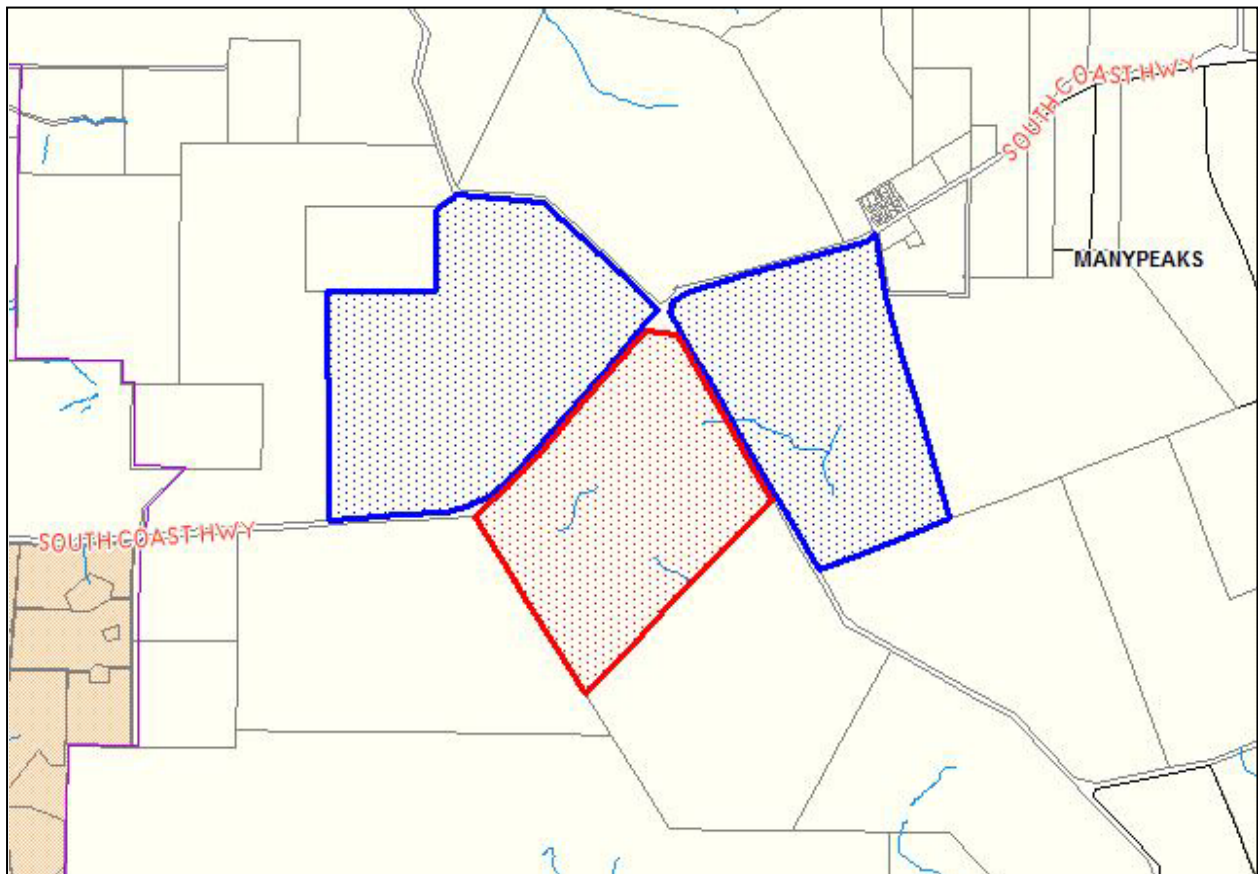
DESIGNED	J.B.	VERIFIED
FILE NUMBER	12/3307	APPROVED
DRAWING NUMBER	201201-090	
		AMENDMENT



**4.4: RECONSIDERATION OF PAST DECISION–SOUTH COAST HIGHWAY  
– MAIN ROADS WA LAND REQUIREMENT FOR ROAD WIDENING**

<b>Land Description</b>	: Lots 5292, 5294 & 5298 South Coast Highway, Manypeaks
<b>Proponent</b>	: Main Roads WA
<b>Owner</b>	: F & G Mountford (Lot 5294) J & J Geddes (Lot 5298) B Critchison (Lot 5292)
<b>Attachments</b>	: 1. Land Requirements Plans (produced by Main Roads WA – Drawings 201101-075, 201101-076-1, 201101-077) 2. Copies of Landowner Consents from Mountford, Geddes and Critchison
<b>Responsible Officer(s)</b>	: Executive Director Corporate Services (G Adams)

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to reconsider its previous decision not to support the proposal by Main Roads WA to widen portion of South Coast Highway to accommodate reconstruction works that are now partly complete. Council's previous decision was based on concerns raised by the adjoining owners, who have now all provided written consent to the road widening.

**ITEM 4.4 RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- i) **SUPPORTS** the proposal by Main Roads WA to acquire land from Lots 5292, 5294 & 5298 South Coast Highway, Manypeaks (as depicted in Drawings 201101-075, 201101-076-1 and 201101-077) to allow the widening of South Coast Highway reserve, on the condition that Main Roads WA fully complies with the Taking by Agreement provisions of section 168 of the *Land Administration Act 1997*;
- ii) **SUPPORTS** the action by Main Roads WA to seek approval of the Minister for Lands, under section 56 of the *Land Administration Act 1997*, to dedicate the land to be taken for road widening as a public road;
- iii) **INDEMNIFIES** the Minister for Lands, on behalf of Main Roads WA, from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*; and
- iv) **REQUIRES** that Main Roads WA indemnify the Council against all costs and charges, including any claims for compensation that may arise, associated with this dedication action.

**BACKGROUND**

1. In August 2011, Main Roads WA sought Council's resolution to take land from three properties near the Manypeaks townsite for inclusion in the road reserve of South Coast Highway to accommodate reconstruction works in the summer of 2011/12.
2. Council, at its meeting held on 20 September 2011, considered this request and the vote on the officer recommendation to support the proposal was lost. It is understood that one of the affected landowners had raised some concerns with the amount of land to be taken from their property.
3. Since this time, Main Roads WA has further negotiated with all affected landowners and now come to a written agreement on the resumption of land for the proposed road widening. Evidence of the written consent from all owners has been attached to this item.
4. Main Roads has now requested Council's reconsideration of the previous lost vote on the following basis:
  - a. Local Council agreement and minutes are required as part of the acquisition process at the time of lodging the Taking Order with Landgate;
  - b. Compensation arrangements with all landowners have been agreed and all landowners have provided their written consent. This includes payment of financial compensation to Mr & Mrs Geddes and fencing / road works for the Mountfords' & Critchisons', who both have pastoral leases and, as such, financial compensation was not considered appropriate;

- c. As the consent of landowners had been obtained, fencing works to the resumption line have now been completed and other pre-construction activities then commenced, including the relocation of services and environmental clearances;
  - d. Once these matters had been addressed, Main Roads WA commenced with the construction of approximately half of the section of new road and these works were completed in April 2012. Main Roads WA have advised that it was imperative that reconstruction work proceeded during last summer's construction season, given the unsafe nature of the existing road, which was rapidly deteriorating and becoming an increasing safety hazard to the Albany and wider communities; and
  - e. The section of road works completed in April 2012 was adjacent to the Geddes property, while the section adjacent to the Mountford and Critchison properties is likely to proceed in the summer of 2012/13.
5. Main Roads WA has requested that Council again consider providing an appropriate resolution for the road dedication, in order to satisfy the requirements of the *Land Administration Act 1997*.
  6. Main Roads WA will indemnify Council against all costs and charges that relate to the dedication action.

#### **DISCUSSION**

7. Main Roads WA have advised that the works on this section of South Coast Highway were necessary for the following reasons:
  - a) The section of road was substandard and in poor condition, creating safety concerns;
  - b) The road did not have the strength required to carry the current level of traffic using the highway;
  - c) Drainage of the road needed improvement, as water was pooling on the highway, creating a hazardous surface. In order to achieve this, the highway was raised 0.5m and wider embankments were required;
  - d) The intersection of Homestead Road, Fish Track Road and South Coast Highway has poor sight lines. This intersection is being realigned to improve sight lines and access/egress onto the highway; and
  - e) This section of the Highway only had a trafficable surface of 9.5m, whereas the standard is 11m and it has been widened to meet this safety requirement.
8. Main Roads WA have advised that the amount of land resumed is determined by considering the following factors:
  - a. Land needed to meet current design and safety standards;
  - b. Land required for a service corridor (Telstra, Western Power etc)'
  - c. Drainage requirements;
  - d. Land necessary to meet Federal requirements for re-vegetation; and
  - e. In general, the amount of land needed to provide a road reserve that has a physical and visual amenity that is representative of a typical inter-regional Highway corridor.

Main Roads WA advise that these reconstruction projects involve replacement of aged and substandard infrastructure to meet current standards and will often involve realignment of substandard curves and improvement to vertical alignment and cross-section width. Though, the land resumed will be the minimum amount needed to meet all of the elements mentioned above.

9. While the project has not changed since Council's previous consideration, the landowners' written consent has now been obtained and works have commenced. The resumption will now legitimise the current use of the land.

#### **GOVERNMENT CONSULTATION**

10. The Department for Regional Development and Lands has previously advised that Main Roads WA does not have any power to comply with the provisions of Section 56 of the *Land Administration Act 1997* with respect to road dedication and the Council must do this on behalf of Main Roads WA. However, Main Roads WA is responsible for all the consultation, costs and charges associated with this action.
11. No other consultation with government agencies has occurred on this matter, however the road widening will be taken by way of the subdivision process administered by the Western Australian Planning Commission. This process involves consultation with all servicing agencies.

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

12. No public consultation on this proposal is required under the statutory provisions, other than with the affected landowners. Main Roads WA, as the body progressing the land acquisition, road widening and road dedication processes, has negotiated with and obtained the written consent of all affected landowners.

#### **STATUTORY IMPLICATIONS**

13. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must indemnify the Minister for Lands against any claim for compensation.
14. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation.
15. Section 212 of the *Land Administration Act 1997* states that a claimant may request that the compensation for taking land be made in a form other than money. This would include works undertaken on their behalf.
16. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land shown as a new road or road widening on a diagram / plan of survey will be dedicated as a road.

**STRATEGIC IMPLICATIONS**

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

**Key Focus Area**

*Lifestyle and Environment*

**Community Priority**

*Road Improvements*

**Proposed Strategies**

*Advocate to Main Roads for improvements to South Coast Highway.*

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not approve Main Roads WA request to assist with the widening of South Coast Highway.</i>	<i>Unlikely</i>	<i>Moderate – Land being used as part of South Coast Highway would remain in private ownership or pastoral leasehold.</i>	<i>Medium</i>	<i>Council supports Main Roads WA request and comply with the provisions of the Land Administration Act 1997 to permit the road widening to occur.</i>

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

21. The widening of South Coast Highway will ensure that there is sufficient road reserve available to accommodate the works that have been and are proposed to be undertaken. This action will legitimise the current and proposed use of the land.

**ALTERNATE OPTIONS**

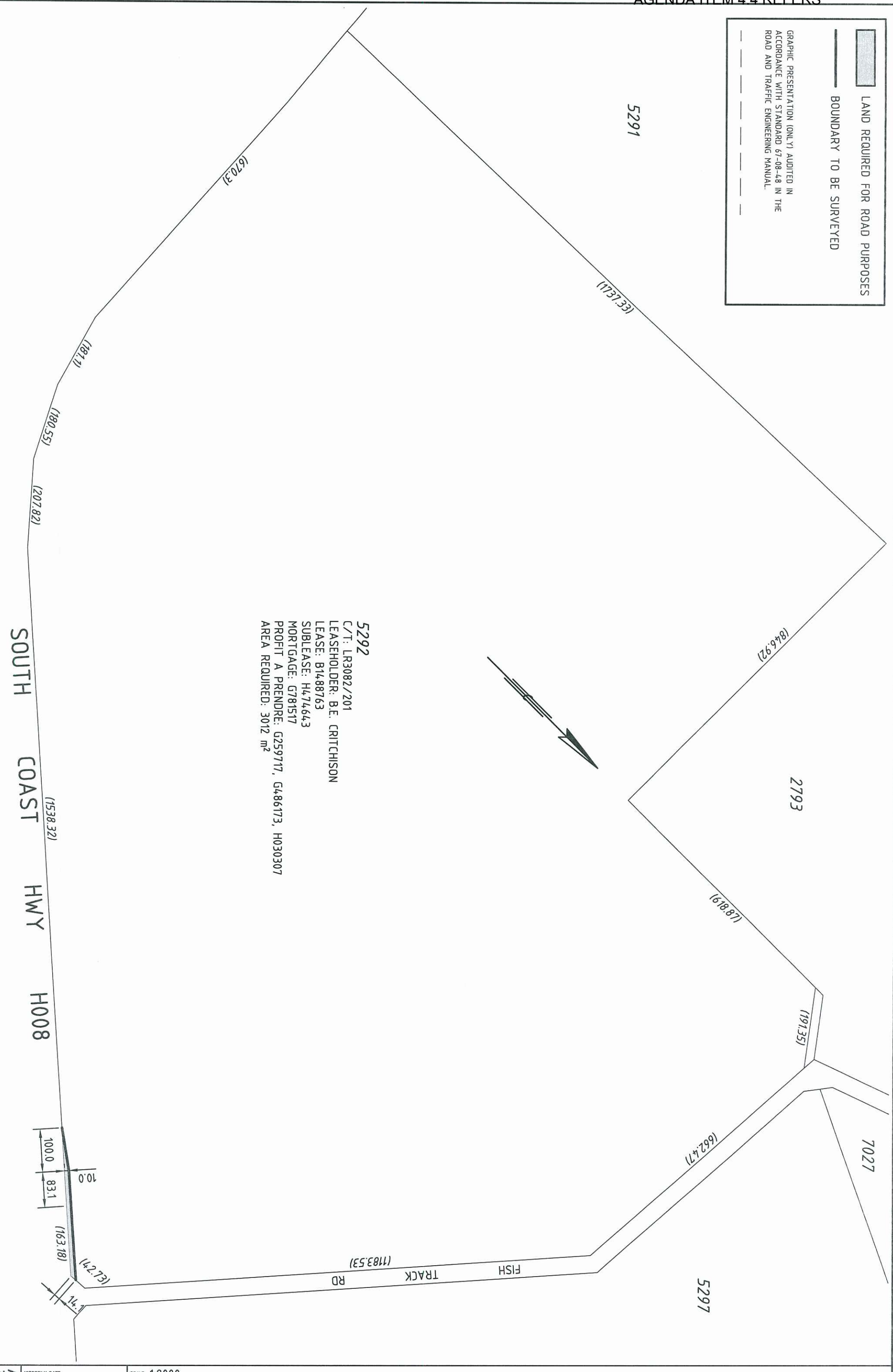
22. As the landowner consents have now been obtained and works have commenced in part, it is not considered that Council has an alternate option other than to support the request to allow for the widening of South Coast Highway.

**SUMMARY CONCLUSION**

23. The proposed widening of South Coast Highway has been and will be undertaken to facilitate roads works to improve the safety and standard of this section of the highway. Main Roads has obtained the written consent of the affected landowners and has commenced upgrading works.
24. Council's resolution is sought to comply with the provisions of the *Land Administration Act 1997* relative to the dedication of this land as a road reserve as Main Roads WA do not have any powers under this Act.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i>
<b>File Number (Name of Ward)</b>	:	RD.DEC.2
<b>Previous Reference</b>	:	Item 5.2 OCM 20/09/2011

LAND REQUIRED FOR ROAD PURPOSES  
 BOUNDARY TO BE SURVEYED  
 GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-4.8 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL.



**5292**  
 C/T: LR3082/201  
 LEASEHOLDER: B.E. CRITCHISON  
 LEASE: B1488763  
 SUBLEASE: H474643  
 MORTGAGE: G781517  
 PROFIT A PRENDRE: G259717, G486173, H030307  
 AREA REQUIRED: 3012 m<sup>2</sup>

No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE
AMENDMENTS					
AMENDMENTS					

**METADATA**  
 GROUND SURVEY STANDARD:  
 DATE OF CAPTURE:  
 MAPPING SURVEY STANDARD:  
 DATE OF CAPTURE:  
 MAIN ROADS PROJECT ZONE:  
 HEIGHT DATUM:

REGIONAL SERVICES DIRECTORATE  
GREAT SOUTHERN REGION  
ALBANY 6332  
Tel: 9841 8213  
Fax: 9841 8213

ALBANY 6332  
Tel: 9841 8213  
Fax: 9841 8213

SOUTH COAST HWY - H008  
 MANYPEAKS SECTION  
 34.25 TO 36.60 SLK  
**LAND REQUIREMENT PLAN**  
 LOCAL AUTHORITY: CITY OF ALBANY (802)

DESIGNED	VERIFIED
DRAWN: FILE NUMBER: 07/6809-02 DRAWING NUMBER: 201101-075	J.B. APPROVED: MOC: (Signature)





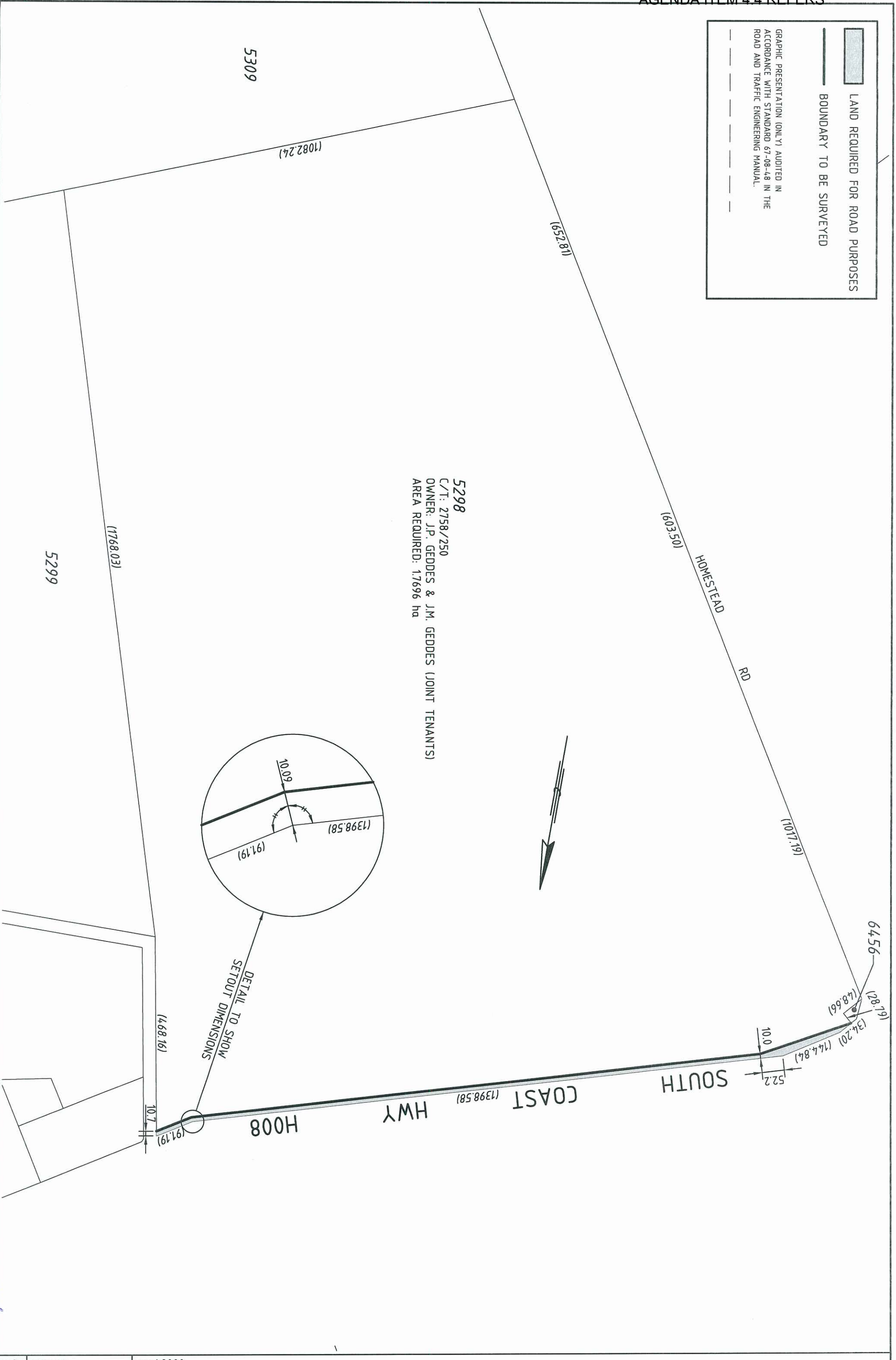
1 AREA OF LAND REQUIREMENT		HIGHLIGHTED	
DESCRIPTION		APPROVED & DATE	APPROVED & DATE
AMENDMENTS		AMENDMENTS	AMENDMENTS
GROUND SURVEY STANDARD		METADATA	
DATE OF CAPTURE		DATE OF CAPTURE	
MAPPING SURVEY STANDARD		MAPPING SURVEY STANDARD	
MAIN ROADS PROJECT ZONE		MAIN ROADS PROJECT ZONE	
HEIGHT DATUM		HEIGHT DATUM	
<p>WESTERN REGIONAL SERVICES DIRECTORATE                  GREAT SOUTHERN REGION                  ALBANY 4332                  Telephone: 9892 0555                  Fax: 9841 8213</p>		SOUTH COAST HWY - H008 MANYPEAKS SECTION 36.25 TO 36.60 SLK LAND REQUIREMENT PLAN	
DESIGNED	DRAWN	FILE NUMBER	DRAWING NUMBER
J.B. VIERCKE	HMC	07/6809-02	201101-076-1
VERIFIED	APPROVED	DATE	AMENDMENT
V. VIERCKE	J. SZELIGA		

LAND REQUIRED FOR ROAD PURPOSES  
 BOUNDARY TO BE SURVEYED

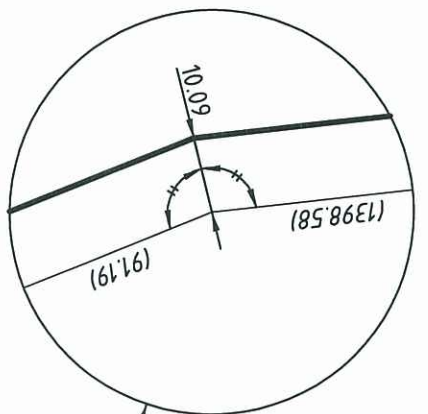
GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-48 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL.



 LAND REQUIRED FOR ROAD PURPOSES  
 BOUNDARY TO BE SURVEYED  
 GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-48 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL.



5298  
 C/T: 2758/250  
 OWNER: J.P. GEDDES & J.M. GEDDES (JOINT TENANTS)  
 AREA REQUIRED: 1.7696 ha




DETAIL TO SHOW  
 SETOUT DIMENSIONS

AMENDMENTS		AMENDMENTS		AMENDMENTS	
No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE


  

METADATA	
GROUND SURVEY STANDARD:	
DATE OF CAPTURE:	
MAPPING SURVEY STANDARD:	
DATE OF CAPTURE:	
MAIN ROADS PROJECT ZONE:	
HEIGHT DATUM:	

 Western Australia REGIONAL SERVICES DIRECTORATE GREAT SOUTHERN REGION CHESTERPASS RD ALBANY 6332 Telephone 9892 0555 Fax 9841 8213	 <b>mainroads</b> WESTERN AUSTRALIA
---	--

SOUTH COAST HWY - H008 MANYPEAKS SECTION 34.25 TO 36.60 SLK LAND REQUIREMENT PLAN LOCAL AUTHORITY: CITY OF ALBANY (B02)	DESIGNED DRAWN FILE NUMBER 201101-077	J.B. HOC APPROVED 	VERIFIED 
---	--	--	---

RECEIVED  
24 AUG 2011

BY:.....

BE Critchison  
3 Highclere Close  
BAYONET HEAD WA 6330

*PAI Burner,  
For your info/records.  
25/8/11*

File 11/3862

Regional Manager  
Main Roads Western Australia  
PO Box 503  
ALBANY WA 6332

**CONSENT TO LAND REQUIREMENT FROM LOC 5292  
SOUTH COAST HIGHWAY MANYPEAKS**

We, as owners, have no objection to the acquisition of 3,012 square metres of Loc 5292 from the land contained in Certificate of Title LR3082/201 as shown on MRWA Land Requirement Plan No 201101-075, for the purpose of road reserve for the proposed reconstruction of South Coast Highway.

This consent is given on the understanding that my rights, in relation to compensation (if applicable) for the land aquired under the Land Administration Act, are independent of the following conditions:

**CONDITIONS:**

**1. Boundary Fencing**

Main Roads WA will be responsible for undertaking fencing of the road reserve boundary to a rural fencing standard – details of posts, wire, etc to be confirmed.

**2. Documentation**

Survey and Legal Documentation for the Land Transfer is to be completed by

MRWA at MRWA cost.

Signed 

Date 22.8.2011

BE Critchison

Received on behalf of MRWA by 

Date 8-9-11

Jeff Barnes  
Project Manager  
Main Roads Western Australia  
Great Southern Region

FR & GA Mountford  
274 Homestead Road  
MANYPEAKS WA 6328

File 11/3862

Regional Manager  
Main Roads Western Australia  
PO Box 503  
ALBANY WA 6332

**CONSENT TO LAND REQUIREMENT FROM LOC 5294  
SOUTH COAST HIGHWAY MANYPEAKS**

We, as owners, have no objection to the acquisition of 1.2292 Hectares of Loc 5294 from the land contained in Certificate of Title LR 3137/629 as shown on MRWA Land Requirement Plan No 201101-076-1, for the purpose of road reserve for the proposed reconstruction of South Coast Highway.

This consent is given on the understanding that our rights, in relation to compensation (if applicable) for the land acquired under the Land Administration Act, are independent of the following conditions:

**CONDITIONS:**

**1. Boundary Fencing**

Main Roads WA will be responsible for undertaking fencing of the road reserve boundary to a rural fencing standard – details of posts, wire, gates etc to be confirmed.

Any necessary clearing/tree removal is also the responsibility of Main Roads WA

**2. Driveway**

Main Roads WA will be responsible for undertaking reconstruction of the existing gravel driveway (approx 700m west of Homestead Road) to suit the new road design.

**3. Documentation**

Survey and Legal Documentation for the Land Transfer is to be completed by MRWA at MRWA cost.

Signed F. R. Mountford Date 27/8/2011

FR Mountford

Signed G. A. Mountford Date 3-9-11

GA Mountford

Received on behalf of MRWA by Jeff Barnes Date 8-9-11

Jeff Barnes  
Project Manager  
Main Roads Western Australia  
Great Southern Region

## 4.5: NEW LEASES AT LOTTERIES HOUSE

<b>Land Description</b>	: Lot 211 on Diagram 94113 being whole of land contained in Certificate of Title Volume 2172 Folio 740, Centennial Park (Lotteries House)
<b>Proponent</b>	: Albany Summer School Inc. Arthritis Foundation Inc. Neurological Council of WA Inc. Samaritan Befrienders Inc.
<b>Owner</b>	: City of Albany and the Lotteries Commission
<b>Responsible Officer</b>	: Executive Director Corporate Services (G Adams)
<b>Maps and Diagrams</b>	



### IN BRIEF

- Council is requested to consider the renewal of the following four leases at Lotteries House:
  - a. Albany Summer School Inc. for a three year term.
  - b. Arthritis Foundation Inc. for a three year term.
  - c. Neurological Council of WA Inc. for a three year term.
  - d. Samaritan Befrienders Inc. for a one year term.

**ITEM 4.5: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the following leases for Lotteries House at Lot 211 on Diagram 94113 in accordance Council's Policy – Property Management – Leases subject to:

- i) Lotteries House Management Committee approval.
- ii) Lease for Albany Summer School Inc.
  - a. Lease term being three years;
  - b. Lease area being 16 square metres; and
  - c. Lease rental being \$1,925.90 plus GST per annum as determined by the Lotteries House Management Committee.
- iii) Lease for Arthritis Foundation Inc.
  - a. Lease term being three years;
  - b. Lease area being 14 square metres; and
  - c. Lease rental being \$1,685.17 plus GST per annum as determined by the Lotteries House Management Committee.
- iv) Lease for Neurological Council of WA Inc.
  - a. Lease term being three years;
  - b. Lease area being 47 square metres; and
  - c. Lease rental being \$5,657.37 plus GST per annum as determined by the Lotteries House Management Committee.
- v) Lease for Samaritan Befrienders Inc.
  - a. Lease term being one year;
  - b. Lease area being 25 square metres; and
  - c. Lease rental being \$3,009.23 plus GST per annum as determined by the Lotteries House Management Committee.
- vi) Leases commencing 1 July 2012.
- vii) Leases purpose being office space.
- viii) Leases rent reviews being carried out annually on 1 July by the Lotteries House Management Committee.
- ix) Any costs associated with the preparation and implementation of the lease documentation to be payable by the Lessee.

**BACKGROUND**

1. In September 1996 a Deed of Trust was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House, located at 211-217 North Road, Albany.
2. The Deed required a Management Committee to be formed to oversee the management of the premises.

3. The City of Albany ("the Trustee") through the administration of the Management Committee is to make and keep available the property for eligible organisations defined in Section 19 of the *Lotteries Commission Act 1990* to use exclusively for accommodation for benevolent or charitable purposes.
4. Albany Lotteries House provides affordable office space for not for profit community organisations in a community service profile building. The Lotteries House conference room is hired out for workshops, meeting and other community gatherings.
5. At the Ordinary Council Meeting 16 June 2009, Council resolved to enter into new leases with the Albany Summer School Inc., the Arthritis Foundation Inc., the Neurological Council of WA Inc. and the Samaritan Befrienders Inc. for a term of three years. Lease agreements were entered into by the City of Albany and the incorporated groups on 1 July 2009. These agreements expired on 30 June 2012.
6. The Albany Summer School Inc., Arthritis Foundation Inc., Neurological Council of WA Inc. and Samaritan Befrienders Inc. have approached the City and the Lotteries House Management Committee for the renewal of leases over the area currently occupied by the groups for a further term of three years and one year respectively.
7. The lease renewal requests will be formerly considered by the Lotteries House Management Committee at its meeting on the 8 August 2012. Initial advice from the Committee is that all four lease requests will be approved.
8. The Lotteries House Management Committee set the rents to be charged per square metre of leased area. The Committee determines the rental rate by:
  - a. Reviewing the rents charged by other Lotteries House Management Committees;
  - b. Reviewing current commercial lease rents for similar type buildings; and
  - c. Reviewing operational expenditure costs of the building and projecting operating expenses for the financial year.
9. The new rate for rent is then adopted by the Management Committee and applied to leases annually from 1 July. The current rate is \$120.38 plus GST per square metre.
10. Under the Deed of Trust for the building, any surplus rent generated annually is placed in trust for Lotteries House major building maintenance projects. At present there is \$38,574 in trust. An annual report, including audited financial statements is submitted to Lotterywest as per the Deed.
11. The City of Albany has six other leases with benevolent or charitable organisations at Lotteries House.
12. Ownership of the Lotteries House building is on an undivided share basis between the Lotteries Commission and the City of Albany as Trustee.
13. The City in accordance with the Deed of Trust is responsible for structural maintenance of the entire building and the cleaning, gardening and minor maintenance of common areas. The Lessees are responsible for the cleaning and minor maintenance of their individual lease areas.



14. The City in accordance with the Deed of Trust insures the buildings, plate glass and City owned fixtures, fittings and contents at a cost of \$3,319.53 per annum for 2012/13. Additionally the City is also responsible for the Public Liability insurance over the common areas. As the City's Public Liability Insurance contribution is based on the whole of the City of Albany and its entire activities the individual cost to Lotteries House cannot be determined.
15. The Lessees are responsible for insuring their own individual fixtures, fittings and contents and are required to hold a minimum of not less than \$10 million Public Liability Insurance. The Lessee provides to the City a copy of insurance policies prior to the commencement of the lease.

### DISCUSSION

16. The four Lessees have requested approval to continue tenancy at Lotteries House under the same terms and conditions as their previous leases.
17. The four Lessees have met all of the obligations of their previous leases including payment of rent and outgoings.
18. All four Lessees as community groups are incorporated, not for profit associations who provide a community based services to Albany and the wider community.
19. The proposed new leases will be developed in line with the existing Council's Policy – Property Management – Leases for this category of lease.
20. It is noted that the proposed Lotteries House leases will also be consistent with the revised Council's Policy – Leases and Licences considered at the Special Audit and Finance Committee on 7 June 2012.

### GOVERNMENT CONSULTATION

21. No government consultation is required.

### PUBLIC CONSULTATION / ENGAGEMENT

22. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease.

23. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) *The land is disposed of to a body, whether incorporated or not –*
- (i) *The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and*
  - (ii) *The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,*
24. The Albany Summer School Inc., Arthritis Foundation Inc., Neurological Council of WA Inc. and the Samaritan Befrienders Inc. are all incorporated, not for profit and benevolent organisations and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

### STATUTORY IMPLICATIONS

25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
26. Under the City of Albany Town Planning Scheme No 1, the land is zoned 'Clubs and Institutions'. The proposed use for office space is in accordance with the Scheme.

### STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

**Key Focus Area**

- *Community Focussed Organisation.*

**Community Priority**

- *Services for Seniors and the Disabled.*

**Proposed Strategies**

- *Improve accessibility to City services/facilities for seniors and people with disabilities.*

### POLICY IMPLICATIONS

28. The Council's Policy Property Management – Leases adopted in 2008 applies to the proposed leases.
29. A revised Council Policy Property Management – Leases and Licences was considered at the Special Audit and Finance Committee meeting on 7 June 2012. The revised Policy has been provided to stakeholders for information and comment. Any comments received will be presented at the next available Audit and Finance Committee meeting for consideration in finalising the revised Policy and subsequently noting a recommendation to Council.

30. This Policy aims to ensure that all requests for leases and licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
31. The recommendation is consistent with Council's existing and revised Policy.

### RISK IDENTIFICATION & MITIGATION

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Council does not approve new leases – loss of operating Inc.ome for Lotteries House</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.  Collaborate closely with the community groups to assure them that the City will work towards mutually agreeable outcomes.  Seek alternative Lessee as last resort.</i>
<i>Council does not approve new lease – loss of premises for the community groups</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Support the new lease proposals.</i>

### FINANCIAL IMPLICATIONS

33. Any costs associated with the preparation and implementation of the new lease documentation will be borne by the Lessees.
34. All rental collected is used for Lotteries House operating expenses, including a \$5,000.00 annual service fee paid to the City to cover City's staff time for managing the property on behalf of the Lotteries House Management Committee.
35. There is no cost to the City to operate Lotteries House other than City's staff time and current insurance cost of \$3,319.53 per annum for 2012/13.
36. The new lease rental income totalling of \$12,277.67 plus GST per annum will be directed to COA 120930 – Lotteries House Income.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

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

- a. Approve the request for a new leases, or
  - b. Decline the request.
37. Should Council decline the request, the four community Lessees will be required to vacate Lotteries House and find alternative premises should they wish to continue providing their current services to Albany and the wider community.
  38. The City would then advertise the vacant area and risk a loss of rental during this process that may impact negatively on the operations of Lotteries House.

**SUMMARY CONCLUSION**

39. The four Lessees being the Albany Summer School Inc., Arthritis Foundation Inc., Neurological Council of WA Inc. and the Samaritan Befrienders Inc. are seeking to renew their leases for office space over areas they currently occupy at Lotteries House.
40. The four Lessees have fulfilled all prior lease obligations at Lotteries House.
41. In view of the community service provided by the Albany Summer School Inc., Arthritis Foundation Inc., Neurological Council of WA Inc. and the Samaritan Befrienders Inc. to Albany and the wider community, the Lessees request for new leases at Lotteries House is supported.

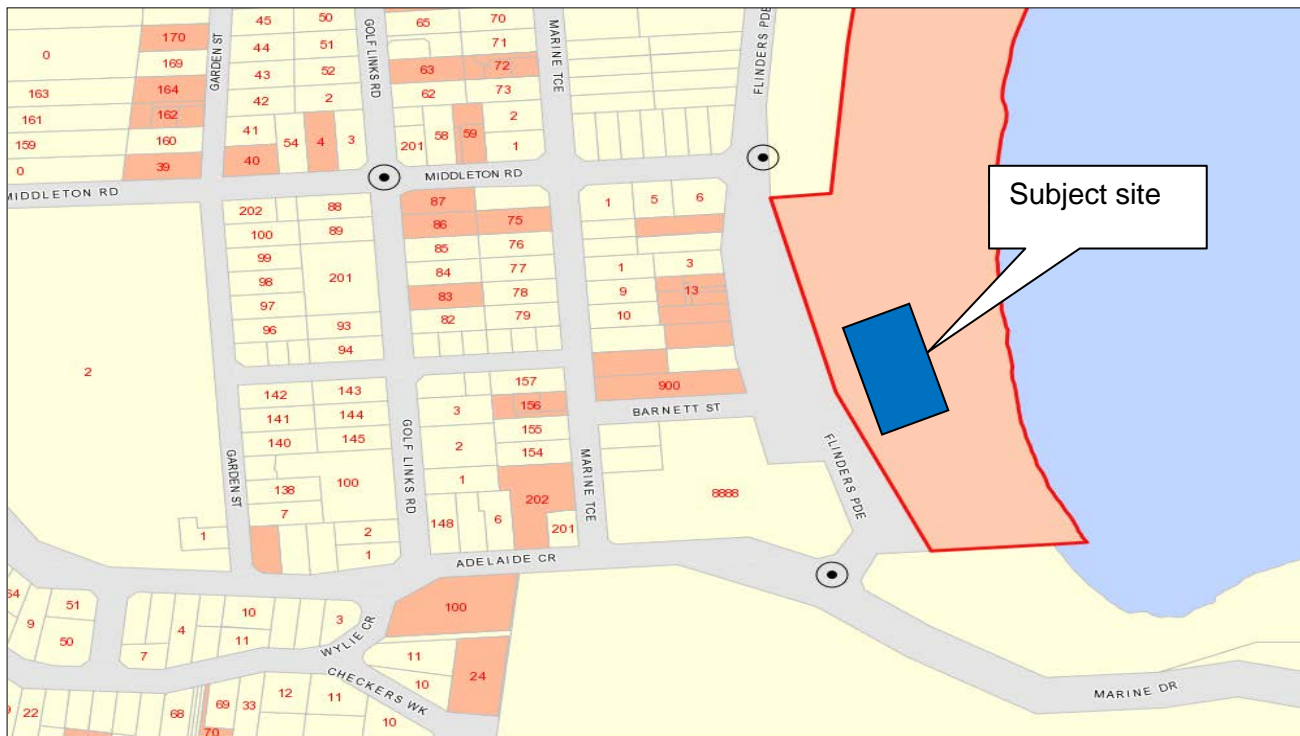
<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases</li> <li>• <i>Local Government Act 1995</i></li> <li>• Deed of Trust – Albany Lotteries House</li> </ul>
<b>File Number (Name of Ward)</b>	PRO383, A150439 (Frederickstown Ward)
<b>Previous Reference</b>	OCM 16 June 2009 Item 12.11.2

**4.6: VARIATION OF LEASE – ALBANY SURF LIFE SAVING CLUB INC. – CROWN RESERVE 14789, MIDDLETON BEACH**

This Report has a Confidential Attachment, which discloses funding information secured by a community group for building improvements.

- Land Description** : Crown Reserve 14789 and being Lot 1474 on Deposited Plan 219850 and the whole of land contained in Certificate of Title Volume LR3111 Folio 83, Middleton Beach
- Proponent** : Albany Surf Life Saving Club Inc.
- Owner** : Crown
- Attachment(s)** : Grant approval letters
- Responsible Officer** : Executive Director Corporate Services (G Adams)

**Maps and Diagrams**



**IN BRIEF**

- Council is requested to consider a variation of lease for the Albany Surf Life Saving Club Inc. to accommodate stage 2 of the Club’s building redevelopment project. The variation of lease to include the following:
  - a. Increase to lease area – The Lessee seeks to expand the existing lease area from 1279 square metres to approximately 1901 square metres (subject to completed survey). The existing Licence area of 237 square metres is to remain unchanged.
  - b. Development works – A development clause dealing with the works required to be completed.

- c. Lessee to be responsible for the satisfactory completion of works – The Club has secured grants to fund the entire stage 2 building development costs. Should the Club fail to complete the works they will be required to do all things necessary to transfer the grants to the City to enable completion of the project. The funding runs with the project.
- d. Lessee to be responsible for all structural maintenance and repairs and shared services associated with alterations to the lease premises – The Club is proposing to construct an upper storey above the City's public toilets located on the southern side of the City's building.
- e. Rent abatement – It is proposed to abate the rent while the building is unable to be occupied to a maximum of annual lease rent of \$760 plus GST per annum (equivalent to minimum rate).

## **RECOMMENDATION**

### **ITEM 4.6: RESPONSIBLE OFFICER RECOMMENDATION**

#### **VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the variation of lease for the Albany Surf Life Saving Club Inc. over portion of Crown Reserve 14789 and being Lot 1474 on Deposited Plan 219850, Middleton Beach subject to:**

- 1. Increase lease area to approximately 1901 square metres (subject to completed survey plan).**
- 2. Development Works clause being included in the lease.**
- 3. Lessee to be responsible for the satisfactory completion of the works.**
- 4. Lessee to be responsible for structural maintenance and shared services associated with alterations to the lease property.**
- 5. Lease rent to abate while the building is unable to be occupied to a maximum of annual rent of \$760 plus GST.**
- 6. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Land's consent is obtained.**
- 7. All approvals including but not limited to Planning Scheme Consent, Building Licence and Aboriginal Heritage being obtained prior to commencing works.**
- 8. All costs associated with the preparation, execution and completion of the Deed of Variation of Lease to be payable by the City of Albany, in support of the project. It is anticipated these costs will be approximately \$900 plus GST.**
- 9. All costs associated with the ongoing operations of the lease property to be payable by the Lessee.**

## **BACKGROUND**

1. Crown Reserve 14789 is under a Management Order H611905 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation" for a term not exceeding 21 years and subject to the consent of the Minister for Lands.

2. The existing lease area of 1261 square metres and licence area of 237 square metres over portion of Crown Reserve 14789 is located at street address 4 Flinders Parade, Middleton Beach.
3. The City of Albany owns the building located within the lease area. The building incorporates the City's public toilets area of 65 square metres. The City of Albany is responsible for all structural maintenance including electrical wiring of the lease premises with the Lessee responsible for all other repairs and maintenance.
4. At Council Meeting 16 September 2008 Council approved the surrender of the existing lease and granted a new lease and licence to the Albany Surf Life Saving Club Inc. for a 21 year term over an increased area to accommodate stage 1 of the Club's building redevelopment project.
5. Stage 1 development works include:
  - a. Internal toilet upgrade;
  - b. First Aid room;
  - c. Extension to kitchen;
  - d. Extension to boat shed;
  - e. New observation deck above the boat shed; and
  - f. Removal of one Norfolk Island pine tree (on the eastern side of the building).
6. To support stage 1 of the project the City contributed \$100,000 towards the redevelopment from the 2008/09 budget.
7. At Council meeting 21 July 2009 Council supported the Club's application for Planning Scheme Consent (P295119) for stages 1 and 2 redevelopment, including the construction of the upper storey, subject to conditions.
8. Planning Scheme Consent (P295119) conditions included:
  - a. The design, materials and colours harmonising with the surrounding environment;
  - b. The area shown as training/education not be leased to any third party for commercial gain without prior Council consent;
  - c. Plans for stormwater to be approved; and
  - d. The removal of one Norfolk Island pine tree (on the eastern side of the building) subject to conditions to protect the remaining pine trees.
9. The Norfolk Island pine trees on Flinders Parade are listed on the City of Albany Municipal Heritage Inventory. As such the application was referred to the City's Regional Heritage Advisor for comment with the removal of the Norfolk Island pine tree supported.
10. Stage 1 of the Club's redevelopment project was successfully completed in March 2011.
11. In April 2012 the Club submitted an amended application for Planning Scheme Consent to modify the stage 2 upper storey design to create an additional observation deck and further internal modifications.

12. The amended plans were approved (under delegation) with all conditions contained within original approved Planning Scheme Consent dated 21 July 2009 (P295119) to continue to apply.
13. On 29 June 2012 the Club submitted an application for Planning Scheme Consent (P2120133) to remove a further two Norfolk Island Pine trees from the western side of the building and prune another Norfolk Island pine tree located near the City's public toilets and barbeque area, to accommodate stage 2 building improvements. The application is currently being assessed by the City's Planning Team.
14. The Lessee seeks to vary the lease to amend the lease area from the existing 1261 square metres to approximately 1901 square metres to accommodate stage 2 improvements to the property. It is noted that the additional lease area for the upper storey totals approximately 608 square metres.
15. Stage 2 development works include:
  - Ground Floor**
    - a. Removal of the existing roof, verandah posts and make good the existing paving;
    - b. Removal of the existing ground floor doors and windows and install a double brick wall and replace windows;
    - c. Creation of a new building entrance;
    - d. Installation of an internal stairwell to the upper storey;
    - e. Installation of a lift. This will require removing a portion of the existing slab;
    - f. Replace the verandah on the south side of the building adjoining the public toilets and first aid room;
    - g. Installation of two service yards on the west side of the building. One will house two rainwater tanks with the other used for storage gas bottles and rubbish bins;
    - h. Installation of a new fire service main from Flinders Parade across the car park to the northern side of the building and install a fire hydrant; and
    - i. Removal of two Norfolk Island pine trees (western side of the building) and the pruning of another one Norfolk Island pine tree located near the City's public toilets and barbeque.
  - Upper Storey**
    - j. Construction of an upper storey. This will house a training, education and computer centre, store/future kitchen, female/male and disabled toilet; and
    - k. Installation of an external observation deck over the existing ground floor building footprint with access from existing external stairs.
16. The Club's current membership is currently around 300 of which 140 are juniors and nippers. There are 120 active patrolling members providing a safe beach environment for swimmers and beach goers at Middleton Beach.
17. The Club seeks to extend its facilities to cater for their growing membership and to continue providing the following community services:
  - a. Emergency search and rescue;
  - b. Preventative programmes of beach patrols, surveillance, first aid and safe swimming areas;



- c. Surf safety information through community education programmes;
- d. Youth development programmes; and
- e. Healthy lifestyle programmes.

## **DISCUSSION**

- 18. Given the significance of the project on the City's building located in a popular tourist precinct, proposed restricted access to the City's public toilets and that the Club's plans for stage 2 being outside of the existing lease area, City staff met with the Club's representatives to discuss and clarify project matters.
- 19. The City advised the Club that a variation to the lease would be required to formalise the lease arrangements to accommodate stage 2 improvements to the property and all lease variations are presented to Council for consideration. It was further advised that all lease matters need to be resolved prior to a Building Licence being accepted by the City.
- 20. Other project matters discussed:
  - a. Project funding – Club to provide evidence that funding has been secured for the entire project costs of \$1,319,449. The Club has since provided grant approval letters to the satisfaction of the City (Confidential attachment).
  - b. Public toilets –The closure of the toilets located on the southern side of building during the entire project was not acceptable to the City. It was agreed that these toilets could be closed for a maximum 6-8 week period during September to November 2012. The toilets will be opened in time for the summer holiday season. The Club is to provide a plan for City consideration detailing alternate toilet facilities during the toilet closure period and address public safety matters. It was further agreed that due to the location of the public disabled toilet located on the western side of the building, that this toilet would remain closed until the works were completed.
  - c. Utilities – The Club was made aware that power in this location also services the reserves for lighting, including the board walk, jetty and barbecues. The water supply also services the Ellen Cove toilets.
  - d. Fire Hydrant – The Club raised the Building Code of Australia 2012 (BCA E1.3) requirement for the installation of an external fire hydrant accessible to fire brigade personnel. The matter was referred to the City's Building Team who confirmed the fire hydrant requirement. The building codes are not retrospective and will now apply in response to the Club's development with all costs borne by the Club.
  - e. Pedestrian Management Plan – The City requested a plan, for consideration, addressing pedestrian control as access to the footpath within the vicinity of the building through the reserve will be restricted.
  - f. Insurance – The City requested a copy of the Club's builders insurance for review and approval by the City's insurers. The City currently insures the building and recoups the premium cost from the Lessee.
  - g. Community notice – The City will assist the Club with developing a communication schedule to provide consistent and timely messages to the community regarding the project and the proposed public toilet closures. This will incorporate community consultation, community notices, location signage and distribution of information through local media.

21. The City requires a new clause in the lease, under the heading “Development Works”, dealing with the works required to be completed. This clause will include:
  - a. Nature, scope and standard of works;
  - b. Time for completion;
  - c. Costs to be borne by the Lessee;
  - d. Abatement of rent while the building cannot be occupied;
  - e. Consequences of non-completion of works;
  - f. Improvements to form part of the property; and
  - g. Remediation of the surrounding reserve.
22. The increased lease area can be dealt with by way of a lease variation provided the lease is not being registered with Landgate. The Landgate procedure for a variation to a lease area is to surrender the existing lease and grant a new lease including the additional area.
23. The City has committed to meeting all legal costs associated with the Deed of Variation of Lease in support of the project given the benefits accrue to both the Lessee and the City of Albany, as property owner.
24. The Lessee has committed to be responsible for all building costs of \$1,319,449.

#### **GOVERNMENT CONSULTATION**

25. Pursuant to Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted. Minister for Land’s consent has been sort for the proposed Deed of Variation of Lease on portion of Crown Reserve 14789.
26. The proposed development has been referred to the South West Aboriginal Land & Sea Council, the Department of Indigenous Affairs and the Department of Regional Development and Lands for land and heritage consideration.

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

27. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks;
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes; and
  - c. A local government can then proceed with the lease.
28. Section 30 of the *Local Government (Functions & General) Regulations 1996* defines the dispositions to which the advertising requirements of section 3.58 of the Act do not apply. Section 30 (1 & 2) (a & b) (i & ii) and states that Section 3.58 of the Act is exempt if:
  - (a) *The land is disposed of to an owner of adjoining land (the transferee) – and*
    - (i) *its market value is less than \$5,000; and*
    - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

*(b) The land is disposed of to a body, whether incorporated or not –*

- (i) The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and*
- (ii) The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,*

29. The additional area of land has been valued by Opteon Property Advisors who confirm that the market value of the additional land is less than \$5,000.
30. The additional area of land is being leased to an existing Lessee in agreement with the City and is valued under \$5,000 and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.
31. The Albany Surf Life Saving Club Inc. is an incorporated, not for profit and recreational organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

### **STATUTORY IMPLICATIONS**

32. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
33. As this is Crown land, under Management Order H611905 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation", Minister for Land's consent will be required.
34. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
35. Under the City's Town Planning Scheme 1A, the subject land is reserved as "Parks and Recreation". The existing use of clubrooms is an approved use in accordance with the Scheme.

### **STRATEGIC IMPLICATIONS**

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

#### **Key Focus Area**

- *Organisational Performance.*
- *Sustainability and Development.*

#### **Community Priority**

- *Policy and Procedures.*
- *Tourism Development.*

#### **Proposed Strategies**

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*
- *Improve and expand tourism infrastructure and attractions.*

**POLICY IMPLICATIONS**

37. The Council's Policy Property Management – Leases adopted in 2008 applies to the proposed variation of lease.
38. A revised Council Policy Property Management – Leases and Licences Policy was considered at the Special Audit and Finance Committee meeting on 7 June 2012. The revised Policy has been provided to stakeholders for information and comment.
39. Any comments received will be presented at the next available Audit and Finance Committee meeting for consideration in finalising the revised Policy and subsequently noting a recommendation to Council.
40. This Policy aims to ensure that all requests for leases and licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
41. The recommendation is consistent with Council's existing and revised Policy.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<i>Additional lease area not approved by Council</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Liaise with Lessee to gain agreement on additional lease area to proceed with development</i>
<i>Variation of lease – financial abatement of rent is not approved by Council</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Council propose alternate financial method to support the community group to proceed with development</i>
<i>Variation of lease – financial completion of works</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Lease clause to transfer funding to City to enable completion of works</i>

**FINANCIAL IMPLICATIONS**

43. It is proposed to abate the lease rental owed by the Lessee for the period that the building is unable to be occupied, to a maximum of the annual rent of \$760.00 plus GST.
44. All costs associated with the building development will be payable by the Lessee.
45. All legal costs associated with the preparation, execution and completion of the variation of lease documentation will be payable by the City, in support of the project. It is anticipated these costs will be approximately \$900 plus GST.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

- 46. Council has the following options in relation to this item:
  - a. Approve the variation of lease.
  - b. Decline the variation of lease.
- 47. Should Council decline the variation of lease, the development may not proceed and the original lease terms will continue.
- 48. Should Council decline the variation of lease, depending on the reason, Council may direct staff to clarify some aspects of the proposal and/or provide further information.

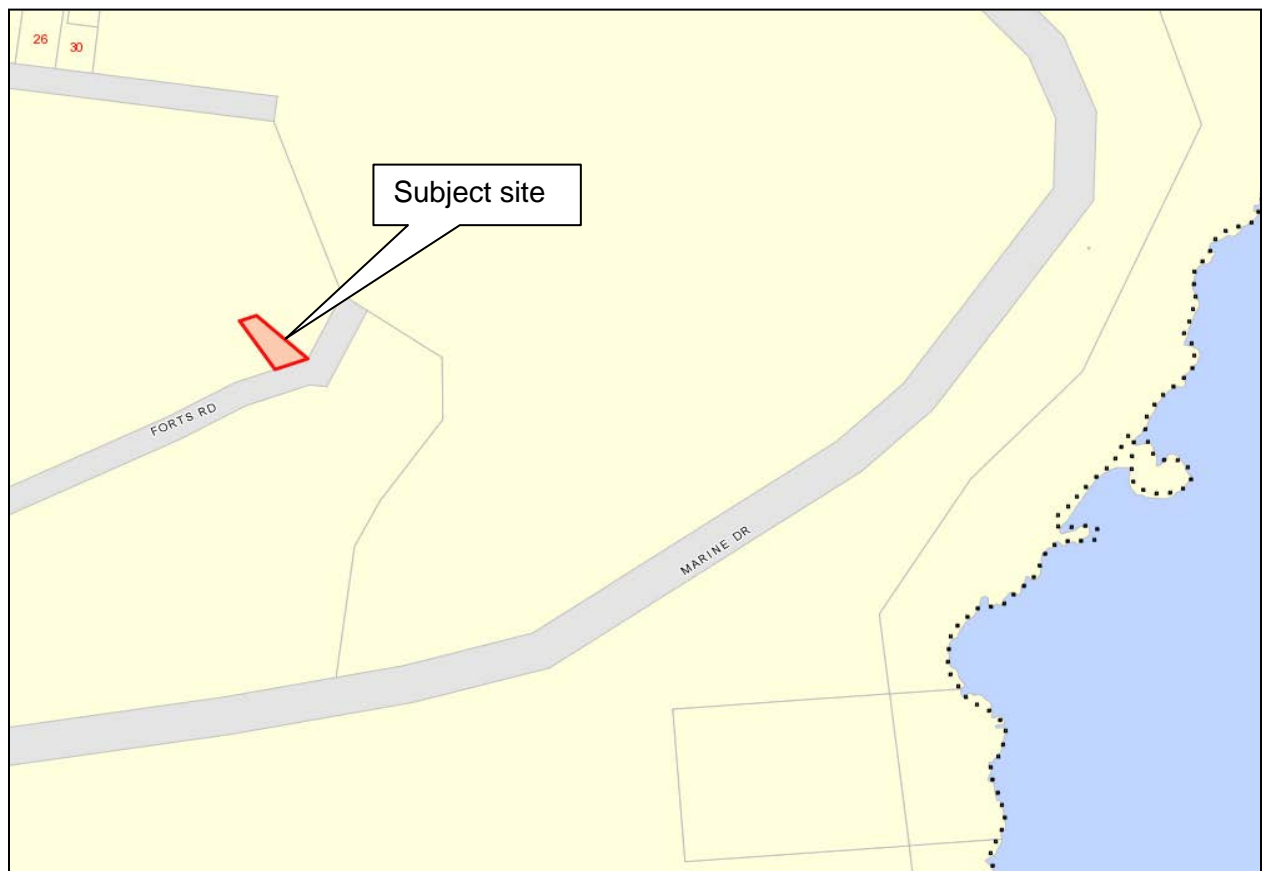
**SUMMARY CONCLUSION**

- 49. The Lessee seeks to undertake stage 2 of the redevelopment project to the property owned by the City.
- 50. The variation of lease will formalise the lease arrangements for the proposed development.
- 51. Council has previously supported the application for Planning Scheme Consent (P295119) dated 21 July 2009 for stages 1 and 2 of the redevelopment, including the upper storey, subject to conditions.
- 52. The development will be beneficial to both the Lessee, the Albany Surf Life Saving Club Inc. and to the property owned by the City of Albany.
- 53. All buildings or improvements permanently fixed to the lease premises or constructed by the Lessee and approved by the City will form part of the leased premises and will vest absolutely with the City.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO040, A90251 (Frederickstown Ward)
<b>Previous Reference</b>	OCM 16.09.2008 Item 13.5 OCM 21.07.2009 Item 13.1.2

## 4.7: NEW LEASE – TELSTRA CORPORATION LIMITED – PORTION OF RESERVE 44720, MT CLARENCE

<b>Land Description</b>	: Crown Reserve 44720 and being Lot 1377 on Plan 7800 and being whole of the land contained in Certificate of Title Volume LR3123 Folio 620, Mt Clarence
<b>Proponent</b>	: Telstra Corporation Limited
<b>Owner</b>	: Crown
<b>Responsible Officer(s)</b>	: Executive Director Corporate Services (G Adams)
<b>Maps and Diagrams</b>	



### IN BRIEF

- Council is requested to consider Telstra Corporation Limited's (Telstra) request for a new lease on portion of Crown Reserve 44720 over area it currently occupies for the purpose of continuing Telstra mobile phone and wireless broadband services for the Albany area.
- Lease term being five years with an option for three further five year terms.

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the request from Telstra Corporation Limited for a new lease over portion of Crown Reserve 44720 and being Lot 1377 on Plan 7800, Mt Clarence subject to:**

- 1. Lease term being five years with an option for three further five year terms.**
- 2. Lease commencement date being retrospective from 21 October 2011.**
- 3. Lease rental being determined by a current market valuation provided by an independent Certified Practicing Valuer.**
- 4. Lease rent reviews being every three years by market valuation with Consumer Price Index applied for intervening years.**
- 5. Lease area being 130 square metres.**
- 6. Lease purpose being the operation and maintenance of telecommunication facilities.**
- 7. Lessee will not impact on or cause interference to any other user of telecommunications equipment or any other infrastructure or persons or service within or outside of the Mt Clarence telecommunication facility.**
- 8. Section 18 of the *Lands Administration Act 1997*, the Minister for Land's consent is obtained.**
- 9. Section 3.58 of the *Local Government Act 1995* advertising requirements.**
- 10. All costs associated with the operations and maintenance of the lease area to be payable by the proponent.**
- 11. All costs associated with the development, execution and completion of the Deed of Lease to be payable by the proponent.**

**BACKGROUND**

1. Crown Reserve 44720 is under a Management Order H696344 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Community and Telecommunications" for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Crown Reserve 44720, an area of 886.68 square metres is located at Lot 1377 Forts Road Mt Clarence.
3. The Mt Clarence telecommunications facility was initially constructed by the Albany Port Authority for communications equipment. At Council Meeting 23 January 1996 (of the former Town of Albany), Council resolved to support the application from Telstra to replace the Albany Port Authority communications equipment on Mt Clarence and approve a new lease.
4. Telstra removed the existing Port Authority infrastructure and replaced it with a 35m high slimline tower, plus three ground mounted equipment cabinets which do not exceed 2 metres in height.
5. The lease term of ten years commenced 21 October 1996 with a further five year term offered, expiring on 20 October 2011.

6. A sub-lease commenced on the 21 October 1996 between Telstra and Albany Port Authority. No rental payment was requested. This sub-lease agreement expired on 19 October 2011.
7. In September 2011 the City contacted Telstra advising that the lease was due to expire on 20 October 2011. The Lessee has been allowed to continue occupancy at the site on a month to month tenancy.
8. On the 21 December 2011 a formal request was received from Jones Lang LaSalle, acting as the Property Service provider for Telstra, for a new lease over the existing lease area currently occupied by Telstra on Mt Clarence.
9. It is noted that the *Telecommunications Act 1997* provides statutory powers to licensed carriers to enter land if agreement cannot be reached with the landowner, although this is not the favoured course of action.
10. The new lease negotiations have previously been delayed due to staff leaving Jones Lang LaSalle employment.

#### DISCUSSION

11. Telstra's telecommunications facility on the reserve comprises a fenced area of approximately 130 square metres and includes:
  - One x 35m Monopole.
  - One x Equipment Shelter (2.4m x 3.85m)
  - Sixteen Antennas in total:
    - Four Omni Antennas
    - Six Panel Antennas
    - Six Panel Antennas (Shared)
    - Associated Cabling
12. The telecommunications facility is part of Telstra's "Next G Network" servicing Telstra's mobile phone and wireless broadband customers for the Albany area.
13. The telecommunications facility also hosts equipment for the WA Department of Fisheries and the Albany Port Authority.
14. WA Police have approached both the City of Albany and Telstra with regard to establishing a sub-lease within this Telstra lease area and co-locating on the tower. Telstra have provided their approval to the WA Police request subject to their new lease being endorsed by Council.
15. The City has made Telstra aware of the proposed upgrade to the Princess Royal Fortress in preparation for the 2014 ANZAC Centenary commemorations, as this will impact the lease area on Crown Reserve 44720. Telstra has been provided with a concept plan for the area for information.
16. It is anticipated that the existing gate access to the lease site will need to be altered to accommodate the concept plan, plus fencing of the leased area will need to be upgraded.



Telstra has advised they have no issue with the concept plan proposal, and will liaise with the City in regards to the gate alteration and fence upgrade.

17. Telstra has met the obligations of their previous lease including payment of rent and outgoings.
18. All costs associated with the operation, ongoing maintenance and repairs of its equipment and power usage will be met by Telstra.

### GOVERNMENT CONSULTATION

19. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted. Minister for Land's consent has been sort for the proposed new lease on Crown Reserve 44720.
20. As this lease proposal does not require land works or changes to land title there are no *Native Title Act 1993* and the *Aboriginal Heritage Act 1972* implications.

### PUBLIC CONSULTATION / ENGAGEMENT

21. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks;
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes; and
  - c. A local government can then proceed with the lease.
22. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

### STATUTORY IMPLICATIONS

23. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
24. As this is Crown land, under Management Order H696344 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Community and Telecommunications", Minister for Land's consent will be required.
25. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
26. The *Telecommunications Act 1997* provides statutory powers to licensed carriers to enter land if agreement cannot be reached with the landowner, although this is not the favoured course of action.

27. Under the City's Town Planning Scheme 1A, the subject land is reserved for "Parks and Recreation". A telecommunication facility is classified as a public utility and can be considered as a permitted use in accordance with the Scheme with planning approval.

### STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

**Key Focus Area**

- *Organisational Performance.*

**Community Priority**

- *Policy and Procedures.*

**Proposed Strategies**

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

### POLICY IMPLICATIONS

29. The Council's Policy Property Management – Leases adopted in 2008 applies to the proposed new lease.
30. A revised Property Management – Leases and Licences Policy was considered at the Special Audit and Finance Committee meeting on 7 June 2012. The revised Policy has been provided to stakeholders for information and comment.
31. Any comments received will be presented at the next available Audit and Finance Committee meeting for consideration in finalising the revised Policy and subsequently noting a recommendation to Council.
32. This Policy aims to ensure that all requests for leases and licences, for whatever purpose, will be treated in a fair and equitable manner using open accountable methodology and in line with statutory procedures.
33. The recommendation is consistent with Council's existing and revised Policy.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>New lease not approved – mobile phone service and wireless broadband will be limited to customers</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.  Collaborate closely with Telstra to ensure satisfactory agreeable.</i>
<i>New lease not approved – financial, no rental income to Council</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>New lease not approved – Telstra enter site using statutory powers</i>	<i>Likely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction  Collaborate closely with Telstra to ensure mutually agreeable outcomes</i>

**FINANCIAL IMPLICATIONS**

35. All costs associated with the development, execution and completion of the new lease documentation including but not limited to legal, advertising and survey will be borne by the proponent, Telstra.
36. The lease rental will be determined by a current market valuation provided by an independent Certified Practising Valuer.
37. The lease rental will be directed to COA 140530 Income – Misc Commercial.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

38. Council has the following options in relation to this item, which are:
- a. Approve Telstra request for a new lease on Mt Clarence over portion of Crown Reserve 44720 for purpose of continuing its occupation on the site for telecommunications facilities.
  - b. Decline the request.
39. Should Council decline the request, Telstra may enter the site using statutory powers under the *Telecommunications Act 1997* that allows licensed carriers to enter land if agreement cannot be reached with the landowner, although this is not the favoured course of action.

21/08/2012

\*\*REFER DISCLAIMER\*\*

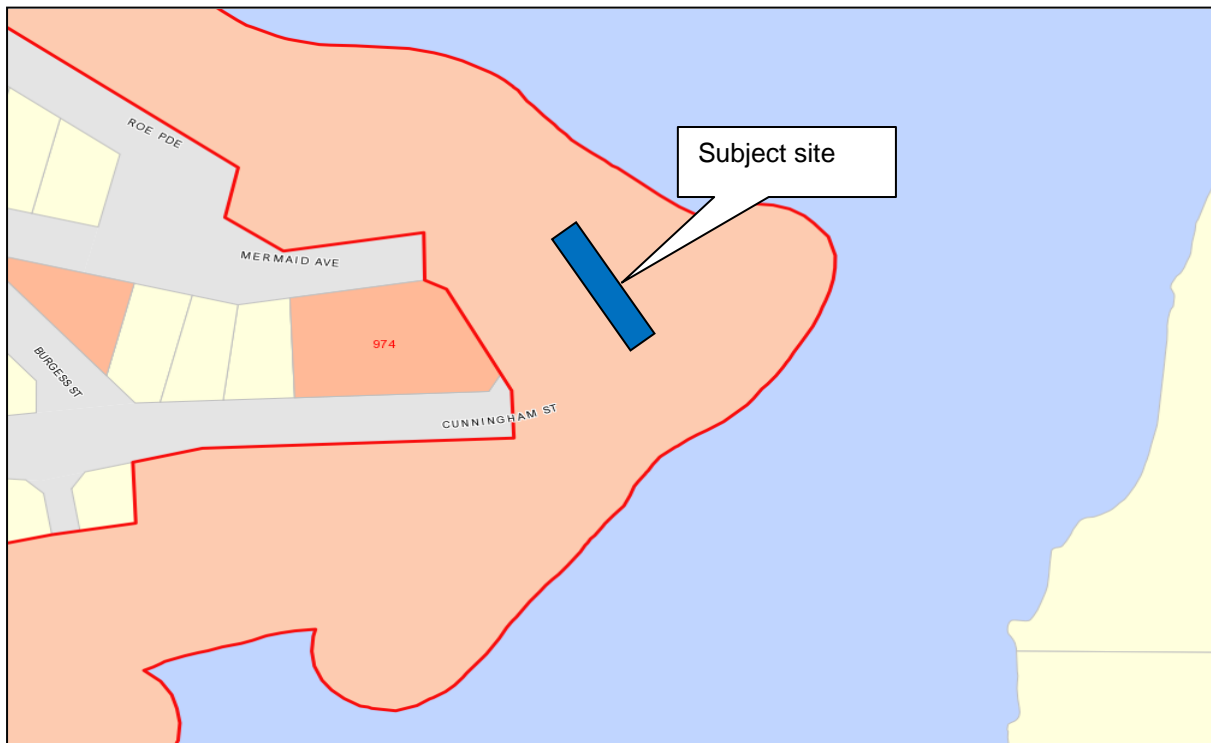
**SUMMARY CONCLUSION**

40. The Lessee seeks to renew their lease over land currently occupied for a term of five years with an option for three further five year terms to continue providing mobile phone and wireless broadband services for the Albany area.
41. The Lessee has met the obligations of their previous lease including payment of rent and outgoings.
42. The lease request to allow Telstra to continue servicing the Albany area, at no cost to Council, is supported.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO093, A136801 (Frederickstown Ward)
<b>Previous Reference</b>	OCM 23.01.1996

**4.8:SURRENDER OF LICENCE – MATTHEW BRIAN GAULL AND  
NATALIE ELIZABETH GAULL – PORTION CROWN RESERVE 22698,  
EMU POINT**

<b>Land Description</b>	: Crown Reserve 22698 and being Lot 1461 on Deposited Plan 21977 being part of the land contained in Certificate of Title Volume LR 3110 Folio 171, Emu Point
<b>Proponent</b>	: Matthew Brian Gaull and Natalie Elizabeth Gaull
<b>Owner</b>	: Crown
<b>Attachment(s)</b>	: Aerial Photograph
<b>Responsible Officer</b>	: Executive Director Corporate Services (G Adams)
<b>Maps and Diagrams</b>	



**IN BRIEF**

- Council is requested to consider Matthew and Natalie Gaull request for surrender of licence area of approximately 1095 square metres on portion of Crown Reserve 22698 Emu Point.
- Matthew and Natalie Gaull, Proprietors of the Emu Point Boat Hire business have ceased operating and seek to surrender the licence to formalise the winding up of the business.

**ITEM 4.8: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the request from Matthew and Natalie Gaull for surrender of the licence for short term boat hire on portion of Crown Reserve 22698 and being Lot 1461 on Deposited Plan 21977, Emu Point subject to:**

- i) Deed of Surrender of Licence date to be as soon as practical.**
- ii) All costs associated with the preparation, execution and completion of the Deed of Surrender of Licence to be met by the proponent.**

**BACKGROUND**

1. Crown Reserve 22698 is under Management Order H224437 to the City of Albany with power to lease, sub lease or licence for the purpose of "Recreation and Associated Business Purposes" for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Crown Reserve 22698, an area of 27.28 hectares is located at Lot 1461 Mermaid Avenue Emu Point.
3. In August 1995 Council entered into a licence agreement with Ronald William Black, Kathleen Loraine Black and Kevin Alan Black for a term of six years with an option for a further six year term, expiring in September 2007.
4. The purpose of the licence being to operate a business on an area of approximately 1350 square metres of the Emu Point foreshore for the purpose of boat hire, during the holiday periods and summer months.
5. The licence does not give exclusive use of the area to the Licensee however provides the security of tenure at the site to operate the boat hire business and allows for public use of the area.
6. At Council meeting 18 September 2007 Council approved a further licence to the Black family for a term of six years with an option for a further six year term, expiring in September 2013.
7. At Council meeting 20 January 2009 Council approved the surrender of the licence to allow for the sale of the business, as the licence was not transferable.
8. At that meeting, Council also approved a new licence to the new owners of the business known as Emu Point Boat Hire, Matthew and Natalie Gaull, for a term of six years with an option for a further six year term commencing 27 February 2009.

9. When the Emu Point Boat Hire business was purchased by Matthew and Natalie Gaul, the business hired out dinghies, canoes, aqua bikes, kayaks, and pedal boats, to residents, tourists and visitors to the area for short term hire at half hourly and hourly rates.
10. With the introduction of “Skippers Tickets” requirements being imposed by the Department of Transport in 2009, the business was prohibited from hiring the motorised dinghies to the general public unless the hirer held a current and valid Recreational Skippers ticket.
11. The hiring of the motorised dinghies had provided the majority of the business income. Consequently the proprietors sought alternative methods to compensate this loss of income.
12. The City received correspondence from the Licensee in November 2009 seeking Landlords’ permission to update the licence water craft schedule. The Licensee requested the amendment to include an additional four kayaks, four wind craft and fishing rods and to remove the canoes and aqua bikes.
13. This request was due to the age and outdated condition of the canoes and aqua bikes, and to address the loss of income resulting from the Skippers Ticket regulation applied to the hiring of motorised dinghies.
14. On the 13 January 2010 the Licensee requested an additional amendment to allow the business to provide banana Boat rides. This request was in response to an increased public demand seeking a faster, more thrilling ride upon the water.
15. The City approved the amendment to include additional kayaks, wind craft and fishing rods for the purpose of hiring to members of the public, and to delete canoes and aqua bikes. This approval also allowed the Licensee to pursue the provision of banana boat rides subject to all approvals being obtained including the Department of Transport marine safety regulations and licence conditions.
16. In March 2012 the City received a formal request from the Licensee, Matthew and Natalie Gaul, proprietors of Emu Point Boat Hire, to surrender the licence over foreshore land at Emu Point.

## **DISCUSSION**

17. The Emu Point Boat Hire business had become unviable and had been operating at a loss each year so has ceased operating. The business name, ABN and TFN have been de-registered for Emu Point Boat Hire business.
18. The various craft used by the business have been sold off separately for private use with appropriate notification provided to the Department of Transport.

19. The Licensee cited for the following reasons contributing to their decision to wind up the boat hire business:
  - Compulsory Recreational Skipper's Ticket requirement for all motorised hired watercraft, which provided the majority of the income for the business.
  - Restriction to paddleboat and kayak hire, both being limited in their operation by weather conditions.
  - Identified erosion at Emu Point has reduced the licence area available for use and impacted on the beach access.
20. The business was listed for sale for an 18 month period with no significant interest shown, due to the poor financial figures provided.
21. Due to the invariable up-coming business operating fees due in December 2011, the business was closed entirely and the proprietors "cut their losses".
22. The Licensee seeks to surrender the licence to formalise the closure of the business.
23. If approved by Council, a formal Deed of Surrender of Licence will be developed by the City's solicitor with all costs associated with the Deed being payable by the proponent.

#### **GOVERNMENT CONSULTATION**

24. Pursuant to Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands (RDL) has been consulted. RDL advises that Minister for Land's consent is not required as the surrender of licence on portion of Crown Reserve 22698 does not confer an interest in land.
25. As this surrender of licence proposal does not require land works or changes to land title there are no *Native Title Act 1993* and the *Aboriginal Heritage Act 1972* implications.

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

26. Section 3.58 of the *Local Government Act 1995* defines the disposal of property including leased land and buildings advertising requirements.
27. The surrender of the licence does not constitute a disposal of property and therefore the advertising requirements of Section 3.58 do not apply.

#### **STATUTORY IMPLICATIONS**

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



29. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.

### STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

**Key Focus Area**

- *Organisational Performance.*

**Community Priority**

- *Policy and Procedures.*

**Proposed Strategies**

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

### POLICY IMPLICATIONS

31. The Council's Policy Property Management – Leases adopted in 2008 applies to the existing licence.
32. A revised Property Management – Leases and Licences Policy was considered at the Special Audit and Finance Committee meeting on 7 June 2012. The revised Policy has been provided to stakeholders for information and comment.
33. Any comments received will be presented at the next available Audit and Finance Committee meeting for consideration in finalising the revised Policy and subsequently noting a recommendation to Council.
34. This Policy aims to ensure that all requests for leases and licences, for whatever purpose, will be treated in a fair and equitable manner using open accountable methodology and in line with statutory procedures.
35. The recommendation is consistent with Council's existing and revised Policy.

### RISK IDENTIFICATION & MITIGATION

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Council does not approve surrender of licence</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

**FINANCIAL IMPLICATIONS**

37. Any costs associated with the development, execution and completion of the Deed of Surrender of Licence documentation will be borne by the proponent, Matthew Brian Gaull and Natalie Elizabeth Gaull.
38. Loss of licence rental income of \$846.15 plus GST from COA 140530 – Commercial Lease Income.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

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

- a. Approve the request to surrender the licence, or
  - b. Decline the request.
39. Should Council approve the request for a surrender of licence the current Licensee will be in a position to finalise the winding up of their business.
40. Council may then advertise the vacant area and may direct City staff to negotiate with new Licensee's acceptable required amendments to the licence area to enable operation of a similar recreational business type to operate within the Emu Point tourist precinct. Based on the information supplied this may prove an unviable option within the current licensed area.
41. Should Council decline the request the current Licensee would be advised that licence terms will continue until expiry in 2015. The licence area would remain vacant and it is unlikely the City will regain this recreational activity within this tourist precinct.

**SUMMARY CONCLUSION**

42. The Licensee seeks to surrender their licence over portion of foreshore land at Emu Point as the Emu Boat Hire business has ceased operations due to the business being unviable and operating at a loss.
43. The surrender of licence will formalise the winding up of the Emu Point Boat Hire business.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO050, A205773 (Breaksea Ward)
<b>Previous Reference</b>	OCM 20.01.2009 Item13.5.2 OCM 18.09.2007 Item 13.5.1



**4.9: SURRENDER OF LEASE – ALBANY INJURY PREVENTION ASSOCIATION INC. – PORTION OF RESERVE 26860**

**Land Description** : Crown Reserve 26860 and being Lot 6906 on Deposited Plan 189260 being part of the land contained in Certificate Title Volume LR 3082 Folio 535, Spencer Park

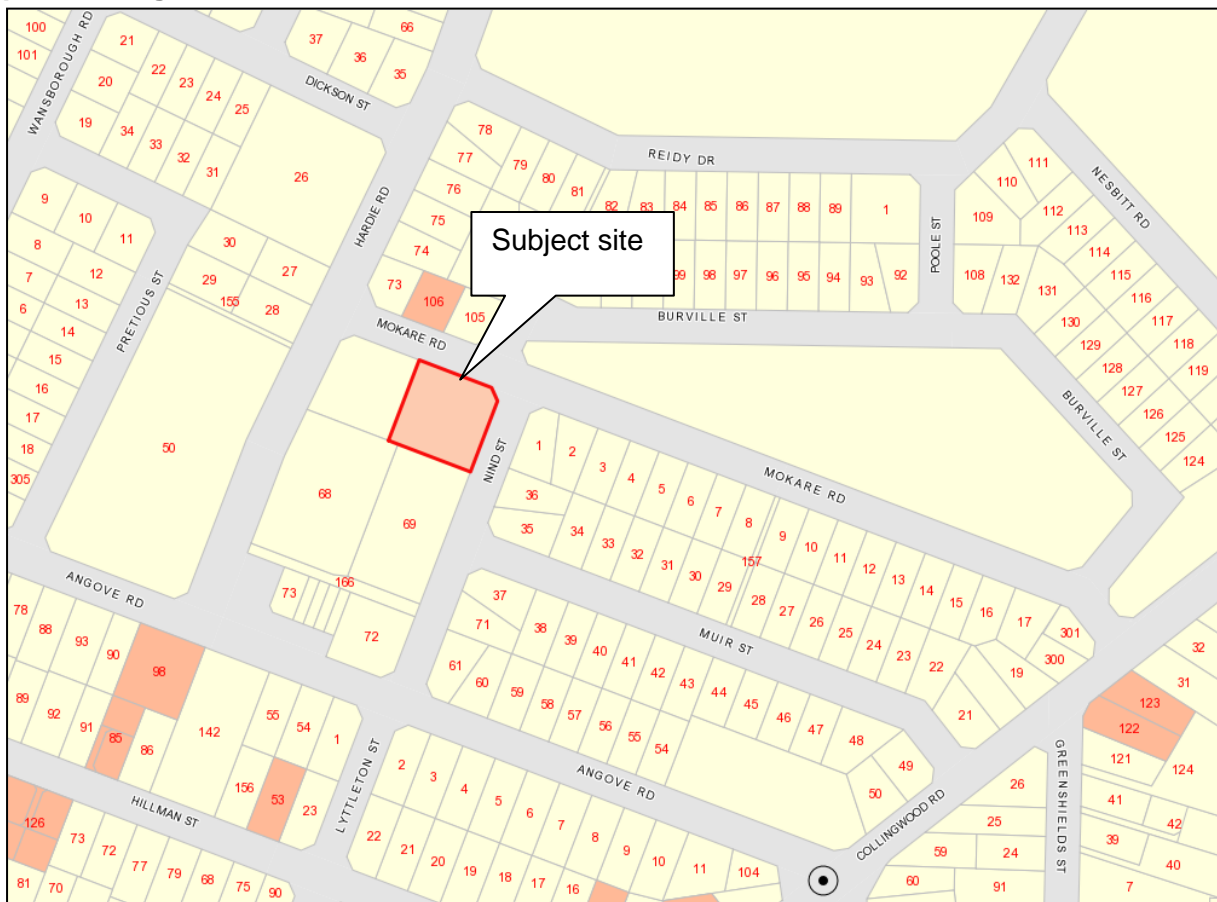
**Proponent** : The Albany Injury Prevention Association Inc.

**Owner** : Crown

**Attachment(s)** : Nil

**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Maps and Diagrams**



**IN BRIEF**

- Council is requested to consider the Albany Injury Prevention Association Inc. request for surrender of lease on portion of Crown Reserve 26860, being 11 – 13 Nind Street Spencer Park.

**ITEM 4.9: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the request from Albany Injury Prevention Association Inc. for surrender of the lease for the purpose of a safety demonstration house and meeting facility on portion of Crown Reserve 26860 and being Lot 6906 on Deposited Plan 189260 subject to:**

- i) Deed of Surrender of Lease date to be as at 31 May 2012.**
- ii) All costs associated with the preparation, execution and completion of the Deed of Surrender of Lease to be met by the proponent.**

**BACKGROUND**

1. Crown Reserve 26860 is under Management Order H633652 to the City of Albany with power to lease, sub lease or licence for the purpose of “Community Purposes” for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Crown Reserve 26860, an area of 2554.43 square metres is located at street address 11 – 13 Nind Street Spencer Park.
3. In December 1995 Council entered into a lease agreement with the Albany Injury Prevention Association Inc. (Association) for the purpose of safety demonstration house and meeting facility.
4. The lease was for a period of ten years commencing 1 December 1995, with an option for a further ten year term.
5. The Association exercised the option for the further ten year term, expiring on 30 November 2015.
6. The City of Albany owns the building located within the lease area. The City is responsible for all structural maintenance including electrical wiring of the lease property with the Lessee responsible for all other repairs and maintenance.
7. The building is occupied by both the Albany Injury Prevention and the Spencer Park Community and Child Health Centre.
8. The portion of building occupied by the Association is set up as a display type home, with functional kitchen, bathroom and laundry facilities.
9. In May 2012 the City received a formal request from the Association to surrender their lease as at 31 May 2012.

**DISCUSSION**

10. The Association advised that after fifteen years of providing a safety demonstration house for families within the Albany region, that due to a lack of numbers utilising this service, the Association has decided to close the doors.
11. The reason for this decision is that the location of the building in Spencer Park is not well known within Albany and attracts no “walk through” traffic. Injury prevention information now being available on the internet is another reason cited as to the reduction in usage.
12. The Association will continue to operate as association and continue to provide support to various safety related projects within the City and will work closely with Kidsafe WA.
13. Following the Association’s request to surrender the lease premises, City staff inspected the property and found the building and fixtures and fittings to be in good condition.
14. The Association as Lessee will be required to remove their fittings and fixtures, at the Lessee’s own cost, unless the City otherwise agrees otherwise.
15. The Association erected a small garden shed with Landlord’s permission in 2008, and have indicated they would prefer for the shed remain on the leased site and be utilised by the next Lessee. The City has agreed to this arrangement.
16. The Lessee must make good any damage caused by removal of any fittings and fixtures and restore the leased property to the same condition as at the beginning of the lease.
17. A final inspection of the property will be undertaken prior to the Deed of Surrender of Lease being finalised.
18. The Association has fulfilled all lease obligations including payment of rent and outgoings.
19. If approved by Council, a formal Deed of Surrender of Lease will be developed by the City’s lawyers with all costs associated with the Deed being payable by the proponent.
20. The City has received an expression of interest from the Depression Support Network Albany Incorporated to lease the premises to be vacated by the Association should they become available.
21. The Depression Support Network has been made aware of the terms and conditions on which the City enters into community leases and they have indicated these are acceptable to the group.
22. Any new lease request will be presented to Council for consideration.

## **GOVERNMENT CONSULTATION**

23. Pursuant to Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands (RDL) has been consulted. RDL advises that Minister for Land's consent is not required. However RDL do require a copy of the finalised Deed of Surrender of Lease for their records.
24. As the surrender of lease proposal does not require land works or changes to land title there are no *Native Title Act 1993* and the *Aboriginal Heritage Act 1972* implications.

## **PUBLIC CONSULTATION / ENGAGEMENT**

25. Section 3.58 of the *Local Government Act 1995* defines the disposal of property including leased land and buildings advertising requirements.
26. The surrender of the lease does not constitute a disposal of property and therefore the advertising requirements of Section 3.58 do not apply.

## **STATUTORY IMPLICATIONS**

27. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
28. Section 3.58 of the *Local Government Act 1995* defines with the disposal of property, including leased land and buildings.

## **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

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

- *Organisational Performance.*

### ***Community Priority***

- *Policy and Procedures.*

### ***Proposed Strategies***

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

## **POLICY IMPLICATIONS**

30. The Council's Policy Property Management – Leases adopted in 2008 applies to the existing lease.
31. A revised Property Management – Leases and Licences Policy was considered at the Special Audit and Finance Committee meeting on 7 June 2012. The revised Policy has been provided to stakeholders for information and comment.

32. Any comments received will be presented at the next available Audit and Finance Committee meeting for consideration in finalising the revised Policy and subsequently noting a recommendation to Council.
33. This Policy aims to ensure that all requests for leases and licences, for whatever purpose, will be treated in a fair and equitable manner using open accountable methodology and in line with statutory procedures.
34. The recommendation is consistent with Council's existing and revised Policy.

#### RISK IDENTIFICATION & MITIGATION

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Council does not approve surrender of lease</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Council approves surrender of lease – loss of rental income</i>	<i>Likely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek new Lessee</i>

#### FINANCIAL IMPLICATIONS

36. Any costs associated with the development, execution and completion of the Deed of Surrender of Lease documentation will be borne by the proponent, Albany Injury Prevention.
37. The Association currently pay a peppercorn rent of \$10 plus GST for leasing land and City building.
38. Any new community lease rent would be negotiated in line with Council's revised Property Management – Leases and Licences Policy. Rent for any community groups leasing land and City building will be at the annual minimum rate set by Council each year. The current minimum rate is \$820 plus GST.
39. The City is responsible for structural maintenance and electrical wiring of City buildings.



**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

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

- a. Approve the request to surrender the lease, or
  - b. Decline the request.
40. Should Council decline the request the current Lessee would be advised that the lease terms will continue until expiry in 2015. The lease area would be vacated and this space would not be available for lease until 2015.
41. Should Council approve the request a new lease can be negotiated over this property.

**SUMMARY CONCLUSION**

42. The Albany Injury Prevention Association seeks to surrender their lease over portion of Crown Reserve 26860 located at 11 – 13 Nind Street, Spencer Park due to the safety demonstration house no longer being utilised by the community.
43. The Association has met all lease obligations including payment of rent and outgoings.
44. The City has already received an expression of interest from a community group to lease the property.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO071, A110445 (Breaksea Ward)
<b>Previous Reference</b>	Nil

**XIV. MOTIONS WITH NOTICE**

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

**ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK**

**15.1: NOTICE OF MOTION FROM COUNCILLOR BOSTOCK**

**THAT when the final draft of TPS 1 is endorsed by Council, it shall not include any rezoning of freehold land into a category less advantageous to the owner than already exists in the current TPS1(a) or TPS3, without prior specific written agreement from the owner. Examples include the rezoning of land from the “Rural” to “Conservation” classification, or to “Parks and Recreation from any other category.**

**Councillor’s Reason:**

Approximately 92% of the land in WA is vested in the Crown, with only 8% of land alienated.

Private individuals have bought this 8% in good faith, with funds upon which they have already paid tax and the government of the day accepted and spent those funds. The current owners, therefore, have a legitimate expectation that the present government will respect their right to retain the land with the same uses as when it was purchased and any attempt to diminish that use represents a serious breach of contract.

There may be an argument for compulsory purchase of land if an urgent and immediate public benefit can be demonstrated, but even then it should be used only in exceptional circumstances and following fair compensation.

The changing of an existing zone on alienated land to one which restricts its use to a greater extent than the existing category represents a form of compulsory purchase which is underhand, unfair and against natural justice and should not be allowed to proceed in any state which prides itself on the freedom of its citizens.

**Officer’s Comment (Executive Director Planning and Development Services):**

The planning of urban and rural lands in Western Australia has a long and distinguished history both within the Perth metropolitan area and within the State generally. The primary purpose of planning has always been to ensure improvement of the quality of life of residents through improvements to the urban fabric of the community.

Planning, and in particular Planning Schemes, are prepared to coordinate land use and development and balance the often competing aims of economic, social and environment issues. They produce a plan for the physical pattern of development proposed for the area that maximises the opportunities and minimises any potential negative impacts. The imposition of planning controls through the scheme is necessary to provide for the orderly and proper planning of the community and to meet the different needs and aspirations of people living/working together in the modern world.

Whilst individuals have purchased their land, this land is invariably covered by an existing planning scheme which already contains controls on how they may use and enjoy their land. The process of preparing and reviewing these schemes is open to comment and determined through the Local Government (representing their community interests) and the State Minister for Planning (representing the State).

Whilst the comments attached to the Councillor Bostock's Notice of Motion focus on the perceived negative impacts from a new scheme, it should also be remembered that a large number of properties have seen increases in the density code applying to their land (meaning additional dwellings entitlements), changes to commercial zones (enabling previously prohibited uses/development from proceeding) and improved discretionary powers (meaning that the City can now consider uses and development that previously could not be considered).

There is no power in the draft Scheme that purports or attempts to remove any right for a landowner to continue to use their land for the purpose for which it was approved for use or development prior to the coming into operation of the new scheme. This process, of allowing continuation of existing rights of use, has served the State well over its years of service (since the original *Town Planning and Development Act 1928*).

In addition, the purpose of advertising the draft Scheme for public comment is to allow landowners to request Council to consider Staff have already met with a number of landowners and received over 50 submissions to date from landowners requesting a change to the proposals continued in the draft Scheme.

It is accepted that where a Planning Scheme imposes an undue burden (in the opinion of the landowner), they may seek a review through the SAT or compensation from the Responsible Authority for injurious affection or by virtue of reservation under the Scheme. These powers are enshrined in the *Planning and Development Act 2005*.

In conclusion, the Notice of Motion is unlikely to result in a workable solution to addressing landowner concerns regarding the scheme. To require all changes to be subject to the written consent of the landowner will not improve the planning system and is more likely to produce ad-hoc land use and development in an uncoordinated manner that will add to the overall cost of the development and may create land use conflict with surrounding existing uses. Whilst planning will take an overall long-term view of a properties potential to contribute to the growth of a community over time, a landowner tends to take a much shorter term view which generally only reflects their aspirations for the property's potential at that time, rather than its potential to the community.

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

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

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

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

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 18 September 2012.

**XXI. CLOSURE OF MEETING**

**ITEM 21.0: MOTION**

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

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

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.</b>
17/07/2012	1.4	Annual Review of Delegations <b>LAI D ON THE TABLE TO ALLOW MORE TIME FOR CONSIDERATION BY COUNCIL.</b>
17/07/2012	2.5	Development Application-Demolition (Single House Listed on Municipal Heritage Inventory)-Lot 49 (45) Seymour Street, Mira Mar <b>LAI D ON THE TABLE</b>