



MINUTES

**For the Ordinary Meeting of Council
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

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

MINUTES– 21/08/2012

** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at [6:00:43 PM](#)

II. OPENING PRAYER

The Mayor read the opening prayer:

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

ITEM 2.0: RESOLUTION

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR SUTTON

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

CARRIED 12-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

[6:01:24 PM](#) **Councillor Attwell**

Summary of key points:

- Attended reception at Great Southern Grammar School for visiting Japanese students, and that the kindness and compassion shown to those affected by the recent natural disasters in Japan by staff and students at the school was outstanding.
- Attended announcement for funding of Anzac by the Premier of Western Australia, Mr Colin Barnett

[6:02:58 PM](#) **Councillor Holden**

Summary of key points:

- Attended announcement for funding of Anzac by the Premier of Western Australia, Mr Colin Barnett

[6:03:05 PM](#) **Councillor Calleja**

Summary of key points:

- Attended recent Concert for Youth which showcased performances by outstanding, talented youth of the City.

[6:04:31 PM](#) **Councillor Bostock**

Summary of key points:

- If Albany is to progress, the City needs younger people to stand for Council

[6:06:09 PM](#) **Councillor Dufty**

Summary of key points:

- Attended Regional Road Group meeting to explore funding opportunities for road funding for the region
- Attended Anzac workshops, Cultural and Community Development Committee meeting, youth concert, No Strings Attached performance and Vietnam Veterans Memorial Day

[6:08:15 PM](#) **Councillor Sutton**

Summary of key points:

- Great to see funding from State government and Royalties for Regions for projects throughout the region and the City

[6:09:09 PM](#) **Councillor Dowling**

Summary of key points:

- Attended youth concert and photography exhibition at Residency Museum
- Attended announcement for funding of Anzac by Premier

[6:09:47 PM](#) **Mayors Report**

The Mayors Report is detailed at Appendix B.

ITEM 3.0: RESOLUTION

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR ATTWELL

The Mayor's Report be RECEIVED.

CARRIED 12-0

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil

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.

[6:12:24 PM](#) **Mr Joop van Kooten, Middleton Beach**

Mr van Kooten's tabled address is detailed at Appendix B.

[6:15:30 PM](#) **Mr Tony Stanton, Little Grove**

Mr Stanton's tabled address is detailed at Appendix B.

[6:19:34 PM](#) **Mr Graham Waugh, Little Grove**

Summary of key points:

- Spoke in support of Item 15.1
- He will be affected adversely by the proposal for rezoning if it should proceed
- No evidence of previous parks and recreation zoning on his property
- Compensation may be payable for loss of original use of land
- No environmental reasons not to build on land
- Loss of common law use

[6:23:57 PM](#) **Mr Graham Sievwright, WA Country Builders, Albany**

Summary of key points:

- Spoke in support of the Officer Recommendation for Item 2.5
- Relayed the history of the process relating to the construction of the building in question, and efforts made to undertake mediation between both the owner and adjoining neighbour.

[6:26:11 PM](#) **Mr Paul Higginson, Albany Agricultural Society**

Mr Higginson's tabled address is detailed at Appendix B.

[6:30:19 PM](#) **Mr Rob Lucas, Albany Surf Lifesaving Club**

Summary of key points:

- Spoke in support of the Officer Recommendation 4.6
- Informed Council that funding had been acquired by the Surf Lifesaving Club to complete Stage One of the redevelopment, and the Club were now moving to Stage Two, which has also been funded.
- Requested the support of Council for the lease variation to enable the project to proceed
- The Club currently has 330 members, and this number will only increase in the future, making redevelopment of the site vital to accommodate the growing number of members.

[6:31:41 PM](#) **Mr Neil Smithson, Smithson Planning**

Summary of key points:

- Attended recent forum with Tourism WA regarding the upcoming Anzac Commemorative Celebrations
- Personal opinion that the City could receive in excess of 150,000 visitors over the Anzac celebration period
- Expressed the hope that the City would be remembered for providing a great Anzac celebration, and not for lack of preparedness

[6:35:17 PM](#) There being no further speakers, the Presiding Member declared the Public Question and Statement Time closed.

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

Mayor	D Wellington
Councillors:	
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
Staff:	
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

Apologies:

Frederickstown Ward	G Stocks
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Five members of the media and approximately 11 members of the public were in attendance.

VII. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR GREGSON**

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.

CARRIED 12-0

IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Councillor S Bowles	4.1	Impartiality. Councillor Bowles has a sponsorship arrangement with Paper Bark Merchants and Howard and Heaver Architects through Great Southern Factor Inc. Councillor Bowles remained in the Chamber and participated in the discussion and vote.
Councillor S Bowles	4.6	Impartiality. Councillor Bowles is a member of the Albany Surf Life Saving Club Inc. Councillor Bowles remained in the Chamber and participated in the discussion and vote.
Councillor S Bowles	4.9	Impartiality. Councillor Bowles is a member of the Albany Injury Prevention Society. Councillor Bowles remained in the Chamber and participated in the discussion and vote.
Councillor Y Attwell	4.1	Financial. Councillor Attwell receives a Deputy Mayoral Allowance, which is a common interest with all payments to Councillors. Councillor Attwell remained in the Chamber and participated in the discussion and vote.
Councillor Hortin	3.2	Impartiality. The Merrifield Tennis Club leases the land containing the courts and club house from the Uniting Church Property Board WA. Councillor Hortin is Secretary/Treasurer of the Albany Regional Council of Uniting Church Australia. Councillor Hortin remained in the Chamber and participated in the discussion and vote.

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

2.12 Rufus Street Commercial in Confidence

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**

**MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR GREGSON**

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

CARRIED 12-0**ITEM 1.1: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR GREGSON**

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

CARRIED 12-0



AUDIT & FINANCE COMMITTEE

MINUTES

for the meeting held from 5.30pm on Monday 28 May 2012,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: FM.MEE.1)

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

Mayor	D Wellington (Deputy Chair)
Councillors:	
R Hammond	Member
Y Attwell	Member
S Bowles	Member
V Calleja	Member
D Dufty	Member
G Gregson	Member
C Holden	Member
A Hortin	Member
G Stocks	Member (Chair)
R Sutton	Member
C Dowling	Member
D Bostock	Member
Staff:	
Chief Executive Officer	F James
Executive Director Works & Services	S Grimmer
Executive Director Community Services	L Hill
Manager Finance	D Olde
Risk Management/Insurance Officer	E Aslett
Senior Property Officer	T Catherall
Minute Taker	J Williamson
Apologies/Leave of Absence:	

Andrew Smith and Craig McClure of Hester Property Solutions gave a thirty minute presentation to Council on "Generating Income from Council Owned Land and Reserves".

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 2.0: RESOLUTION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR BOWLES

The unconfirmed minutes of the Audit Committee meeting held on Monday 23 April 2012, as previously distributed, be confirmed as a true and accurate record of proceedings.

CARRIED 13-0

3.0 DISCLOSURE OF INTEREST

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

DISCLOSURE OF INTEREST		
Name	Item	Nature
Councillor Attwell	4.4	Impartiality. One of the listed persons is a family member.
Councillor Attwell	5.2	Impartiality. Councillor Attwell is a leaseholder of a property at Cheynes Beach.
Councillor Attwell	5.11	Impartiality. Councillor Attwell has a family member associated with AD Contractors Pty Ltd.
Councillor Attwell	5.12	Impartiality. Councillor Attwell has a family member associated with AD Contractors Pty Ltd.

4.0 STANDING ITEMS FOR DISCUSSION

- 4.1 Monthly Report-Airport Masterplan**
Reporting Officer: Executive Director Community Services
- 4.2 Monthly Capital Works-Works and Services Projects Spreadsheet**
Reporting Officer: Executive Director Works and Services
- 4.3 Monthly Risk Register**
Reporting Officer: Chief Executive Officer
- 4.4 Quarterly Legal Register Table (next due May 2012)**
Reporting Officer: Chief Executive Officer
- 4.5 Quarterly Major Projects Spreadsheet (Due June 2012)**
Reporting Officer: Manager Asset Planning and Major Projects
- 4.6 Expenditure for Anzac Centenary**
Reporting Officer: Chief Executive Officer

5.0 ITEMS FOR DISCUSSION

5.1 Financial Implications of Fog Seal Works
Reporting Officer: Executive Director Community Services-verbal update

5.2 Commercial Leasing Policy
Reporting Officer: Senior Leasing Officer

5.3 Amount and Type of Reporting to Audit and Finance Committee
Reporting Officer: Chief Executive Officer

5.3.1 Budget Overruns (10% or \$10,000, whichever is greater)
Reporting Officer: Chief Executive Officer

5.4 Lockyer Avenue Freehold Lot
Reporting Officer: Executive Director Planning and Development Services

5.5 Costs of Henderson Power and Associates
Reporting Officer: Chief Executive Officer

Henderson Power and Associates have withdrawn due to family illness. Mayor Wellington advised that he is currently waiting on quotes from another service provider.

5.6 Delegations

5.7 Purchase of CSBP Land
Reporting Officer: Executive Director Works and Services

5.8 Verbal Update on Australia v China Basketball Event
Reporting Officer: Executive Director Community Services

5.9 Regional Visit from CCC 18/19 June 2012

5.10 Budget to Actual Financials-Paper Attached
Reporting Officer: Manager Finance

5.11 Carryover of Works-Lower Denmark Road, Elleker
Reporting Officer: Executive Director Works and Services

5.12 Carryover of Works-Pfieffer Road, Manypeaks
Reporting Officer: Executive Director Works and Services

5.13 Unscheduled Works Register
Reporting Officer: Executive Director Works and Services

5.14 Emu Point Boat Pens-Handover to Department of Transport

Reporting Officer: Executive Director Works and Services

5.15 CDO

Councillor Calleja brought forward discussion regarding CDOs. Councillor Calleja then moved the following motion:

ITEM 5.15: RECOMMENDATION

**MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR GREGSON**

THAT any return on CDO investment be applied to debt reduction and kept in a separate Reserve to reduce debt as it becomes due.

CARRIED 13-0

6.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

- 6.1 Better Practice Review**
- 6.2 Investment Strategy with Community Banks**
- 6.3 Emergency Management Services-Risks and Treatment**
- 6.4 CDOs**
- 6.5 Buy Local Policy**
- 6.6 OSH Risks and Treatments**

7.0 GENERAL DISCUSSION

8.0 DATE OF NEXT MEETING: 7 June 2012

9.0 CLOSURE OF MEETING There being no further business the Presiding Member declared the meeting closed at 7.57pm.

**ITEM 4.1: MONTHLY REPORT ON ALBANY AIRPORT SECURITY UPGRADE
PROJECT – MAY 2012**

Reporting Officer: Linda Hill, Executive Director, Community Services

Objective

To provide the Audit and Finance Committee with an update on the project.

Background

At September Special Council Meeting Council awarded the tender to AECOM Australia Pty Ltd (AECOM) to prepare the Albany Regional Airport Security Upgrade and Future Airport Development Master Plan, with the provision that monthly reports be provided to the Audit Committee (now Audit and Finance Committee), so that they are fully apprised of the progress of the project.

The following is a summary of major activities undertaken in the month of May 2012.

Discussion**1. Master Planning**

- Project consultancy AECOM supplied the first draft of the Master Plan report and presented a summary presentation to the City of Albany Project Control Group. Members of the project control group have provided initial feedback and this is currently being collated for formal response to AECOM.
- It is planned to release the draft of the Master Plan for wider stakeholder review and feedback only once the City has undertaken a rigorous internal review.

2. Security Upgrade: Equipment, Authority and Provision, Communication

- The City of Albany is required to deliver security screening as a Category 5 airport from 1 July 2012 and a timeline of becoming Category 4 by February 2013.
- Based on this designation and timeline, the City advertised a security equipment tender to reflect this formal OTS designation and Council awarded this contract to L3 Communications at a Special Council Meeting held 3 April 2012. L3 Communications advise that the walk through and hand held metal detectors are in stock in Australia and that the two ETD machines are currently being manufactured with a planned shipping date ex USA of 25 May. The delivery of all required Category 5 equipment on site to Albany is 8 June. The delivery date for additional Category 4 xray equipment is mid July.
- Council voted to outsource Security Screening Authority and Provider roles and awarded this contract to MSS Security at a Special Council Meeting, 3 April 2012. MSS Security have and continue to provide tremendous value to the security upgrade process.
- The City with assistance from AECOM prepared the draft of the Transport Security Program (TSP). The TSP is a regulatory obligation and covers all aviation security related activities that occur at Albany Airport. The TSP was formally submitted to OTS and is currently being considered for approval.

- The Screening Authority submission was prepared by MSS Security with assistance from the City and has also been submitted to OTS for consideration and approval.
- A communication plan has been developed and is being implemented to inform the community and airport users of changes to the Airport. Fortnightly articles continue to be published in local media along with proactive media releases regarding the Airport along with the Albany Airport micro site ouralbanyairport.com.au. New signage in the airport terminal car park and a large moveable sign within the terminal have recently been implemented advising passengers on the necessity for additional screening at the Airport and what this will entail.
- Additional communication tools will be utilised in the lead up to the 1 July security commencement deadline including posters, informational brochures distributed to terminal users as well as associated industry sectors such as local travel agents, taxi drivers, and the local visitor centre. An informational session is also planned on site where these user groups will be invited closer to the 1 July security commencement date.

3. Terminal Upgrade and Building Works

- Considerable work has been undertaken in the consultation and consideration of the most appropriate approach to comply with the terminal redesign and upgrade. Value for money, operational functionality and passenger/terminal user amenity were the key considerations in evaluating the various options.
- In order to comply with the Federal legislation there will be considerable modifications to Albany Airport requiring changes to terminal infrastructure and operational management.
- Funding to achieve the changes required has been sourced from the State (awarded through the Regional Aviation Development Scheme (RADS)) with a matched contribution by the City of Albany. RADS and matched City funding will be used to achieve all changes to infrastructure and all further works required at the Airport in order to comply with Civil Aviation Security Authority requirements, building compliance issues and to expand the terminal in future.
- The design solution needed to meet the recently determined OTS requirements, as well as ensuring customer amenity and minimal abortive works. Working with consultants AECOM initially, several design solutions were determined with finalisation of the preferred solution in March. The construction would have related to internal terminal works for a screening point, establishing a sterile lounge and an office fit out.
- A Design and Construct tender was developed by the City, advertised early April. While a lot of interest was shown, only one tender was submitted by ISIS Construction. Protracted negotiations with the tenderer could not be concluded satisfactorily, with the City determining the cost for the works proposed by ISIS was too high, no guarantee of delivery by 1 July deadline and potential to trigger building compliance issues that could not be rectified in the time frame.
- A new approach was determined by City staff to place a prefabricated building outside the terminal, adjacent to the current terminal lounge for the screening point and sterile lounge. ISIS were asked to quote as were other firms (local and Perth based) who had shown an interest in tendering for the initial Design and Construct tender.

- The prefabricated building will house the security screening equipment and a security screened lounge able to cater for up to 100 passengers (25 seated and 75 standing).
- Modifications required within the current terminal included the fit out of a currently unused office adjacent to the Hertz and Skywest checkin counters. These fit out works are being undertaken by City of Albany Works and Services.
- A Special Elected Member Workshop was held Monday 7 May to inform Council of the change in approach and the improved outcomes as they related to value for money, operational functionality and passenger/terminal user amenity. One of the major benefits of the external prefabricated approach is the minimisation of disruption to the current terminal, passengers and terminal business lessees.
- Stage 1 - the prefabricated security installation external to the current building has been designed to provide a workable solution to enable implementation of Band 5 by the 1 July 2012 deadline as well as handle passenger growth and terminal needs over the medium term.
- Stage 2 works will be reliant on achieving sufficient funding. AECOM have done initial scoping and design for Stage 2 with works to include: construction of a larger sterile lounge and waiting area; provision of greater commercial space; relocation of the screening point; and upgraded passenger and baggage check in (reflecting the ultimate move to Band 3). The AECOM Master Plan will provide trigger indicators relating to passenger and aircraft type growth to determine when airport terminal expansion should be undertaken.

Attachments for Information

- Albany Airport Site Context Plan_Proposed Security Upgrade (01 July 2012)
- Albany Airport Terminal Context Plan_Proposed Security Upgrade (01 July 2012)

ITEM 5.2: PROPERTY MANAGEMENT – LEASES AND LICENCES POLICY

Reporting Officer: Chief Executive Officer

Objective

To provide the Committee with an overview on the revised *Property Management – Leases and Licences* Council Policy and have the Committee finalise the Policy.

Background

In April 2008 Council adopted the Property Management – Leases Policy which provided the framework for managing the City's Leasing Portfolio. The current City of Albany leasing portfolio consists of 232 leases over land owned and/or managed by the City of Albany.

This year, after staff became concerned about some of the practical applications/implications of that Policy, work has been undertaken to review the Policy to bring it in line with current leasing terms and conditions and to remove inconsistencies. The Policy document sets out the "in principle" terms on which the City enters into new leases and licences. The Policy will provide prospective Lessees and Licensees with a good understanding of the obligations for both parties to ensure a clear relationship is established between the City and its Lessees.

The Policy is supported by Council Procedures for leases and licences which provide detailed processes for City staff in the development and implementation of all categories of leases and licences.

Discussion

In reviewing the Policy, staff were concerned to ensure the principles of objectivity, fairness and equity, consistency, transparency and administrative efficiency were applied.

The draft Policy has been reviewed by the Executive Management Team with comments incorporated into the Policy and Procedures.

It is recommended that the revised Policy terms and conditions apply to all new leases and licences, commencing after the Policy has been endorsed by Council. Therefore, the Policy would not affect existing leases and licences until they were renewed.

It is noted that approximately 34 community leases are due to expire in the next five years giving the City the opportunity to apply the new Policy provisions.

Should Council make a decision that new Policy terms and conditions are to take effect once adopted then the lease may only be varied by agreement with Lessee, in writing. Formal written exchange of correspondence or Deed of Variation would be required to vary the terms of the lease.

1. Lease and Licence Categories

Lease and Licences are grouped into the following three categories:

- A Commercial
- Caravan and holiday parks
 - Holiday accommodation
 - Cafes, restaurants and function centres
 - Car hire (Airport)
 - Airline
 - Airport hangars
 - Advertisers (Airport)
 - Fuel supplier (Airport)
 - Energy providers
 - Marine services, retail and storage
 - Seafood farming and sales

- Cheyne Beach holiday accommodation
- Cheyne Beach commercial fisherman's accommodation
- Telecommunications
- Coin operated binoculars
- Government bodies
- Wreckers

B Community benefit

- Community halls
- Service clubs
- Rural resource centre
- Youth camp facilities
- Emergency services and marine rescue
- Sporting and recreation
- Senior Citizen services
- Lotteries House
- Educational – kindergartens, pre schools, university
- Business incubator
- Museums
- Landgate Satellite Station (Airport)

C Residential

- Airport house

The key principles of the revised Policy are:

1. Council Owned/Managed Leased Buildings Schedule 1

This Schedule has been compiled to identify Council owned/managed buildings that are currently or have previously been subject to a lease and/or licence agreement. It is recommended for properties listed in the Schedule that building maintenance and insurance obligations and rental amounts (Policy principles 28 & 49) be adopted.

2. Planning Scheme Consent (Policy principle 4)

The new provision that Planning Scheme Consent (if required) must be gained prior to a request to lease or licence has been included to eliminate the granting of leases where the Lessee is unable to obtain approval to use the land for the proposed lease purpose.

For example, the Albany Motorcycle Club seeking a lease over land that planning was unable to approve the land use.

3. Maintenance (Policy principles 28-30)

The City will be responsible for structural maintenance and electrical wiring of Council owned/managed leased buildings listed in Schedule 1. Lessees will be responsible for all other maintenance of City owned buildings.

Lessees will be responsible for all maintenance of buildings that **are not** listed in Schedule 1.

4. Environmental and Works (Policy principles 31-33)

These new provisions (requested by the City's Reserves team) ensure that all Lessees are clearly aware of their environmental obligations on City owned or managed land.

5. Costs (Policy principle 40)

This provision requires Lessees to reimburse the City for all reasonable costs associated with the development and implementation of the Lease or Licence.

The Committee may wish to consider a subsidy of costs relating to the development and implementation of Leases or Licences for community groups.

The 2011 amended *Commercial Tenancy (Retail Shops) Lease Agreements Act 1985* provides that local government Lessors can no longer pass on costs relating to the preparation, negotiation or execution of a "retail shop" lease including any extension of a lease.

However, the Lessor can still claim reasonable costs associated with the preparation of an assignment of lease or sublease.

A "retail shop" lease applies where the total retail/commercial floor area is up to and no greater than 1000 square metres and tenanted by private businesses (not public companies).

6. Commercial Leases Rent Reviews (Policy principle 43)

The revised Policy allows for rent reviews, by market valuation, to be conducted at three yearly intervals with Consumer Price Index (CPI) for intervening years.

It is noted that as "retail shop" leases do not contain a ratchet clause so the lease must allow the rent to rise and fall according to market valuation. Therefore, for "retail shop" leases, the rent review by market valuation every three years will apply so rent could potentially be reduced.

Under the existing Policy, commercial lease rent reviews are by market valuation at five yearly with CPI for intervening years.

7. Commercial Leases Bank Guarantee or Bond (Policy principle 44)

This new provision requires a commercial Lessee to either provide the City with a bank guarantee or a bond.

For a bank guarantee the Lessee will make an arrangement with their bank to hold aside the required amount of money (three months rent is considered reasonable) in a separate account that the Lessee cannot access while the bank guarantee is in place. The City can then produce the bank guarantee to the bank for payment should the Lessee default under the Lease.

For a bond the Lessee will pay the amount to the City which will be held in an account during the term of the lease. The City will draw on these funds should the Lessee default under the Lease.

For example, had such a provision been in place when the Calamari's lease was in default then the City could have drawn upon the guarantee or bond amount to remedy at least somewhat the default and minimise its financial risk.

8. Commercial Fishing Accommodation Leases and Licences (Policy principle 45)

Potentially significant coastal erosion has been identified at Cheyne Beach and Cosy Corner in the vicinity of existing leases and licences. It is recommended that in balancing environmental protection and prevention of degradation of coastal foreshores and in the absence of a City strategic coastal management plan, that any leases and licences on waterfront land not be renewed on expiry of the term. However other suitable land to offer the Lessee or Licensee could be considered.

Currently there is one lease at Cheyne Beach (expiry 11/2012) and two licences one at Cheyne Beach (open - expiry with three months notice) and one at Cosy Corner (open - expiry with three months notice) that will be affected by this new Policy provision on expiry of the term. There are currently vacant blocks at the rear of the existing Cheyne Beach lease and licence that the Lessee could relocate to.

The City is working towards a strategic approach for management of coastal foreshores to improve the condition and amenity of these areas.

9. Cheyne Beach Holiday Accommodation Leases (Policy principle 46)

Council resolution 19 October 2010 Item 2.7 granted new short term Cheyne Beach holiday accommodation leases for terms of up to five years to 31 December 2015. The rent of those properties is based on unimproved land value not occupied for more than three months in any one calendar year.

The short term leases (term agreed by LandCorp) would allow the City to submit an application for the Regional Development Assistance Program to undertake feasibility assessments into expanding residential land and associated services onto Crown land at Cheyne Beach and the possibility of converting existing leases to freehold land. This application was submitted in March 2011.

LandCorp have recently confirmed that the Board determined that the application would not be funded last year but would remain as an 'active' application. The application will be presented to the Board again (June/July 2012) for a decision. Its assessment will be influenced by the outcome of the Department of Health Country Towns Sewerage Policy and WA Planning Commission's Lower Great Southern Strategy.

Subject to the outcome of the Regional Development Assistance Program application, new principles (should new Cheyne Beach Holiday Accommodation leases be offered, on expiry of the term on 31 December 2015) could be incorporated in future Policy review.

10. Community Leases (Policy principle 47)

A Community lease has been defined as a legally binding agreement granted to community, sporting, recreation and/or other organisations that provide services solely for the benefit of the community.

The definition brings together community, sporting and recreation groups under the one category.

There are currently 76 community leases.

The current Policy makes the distinction between community and sporting groups when determining rent.

11. Community Lease Rent (Policy principle 49)

The table provides rent options with indicative income implications.

Options		No of leases	Rent		Total Income pa	Current Income pa	Difference Income pa
1	Community groups leasing land (Lessee's buildings)	59	Peppercorn	\$10+GST = \$649	\$14,861	\$32,875	-\$18,014
	Community groups leasing land and City buildings	17	Minimum rate	\$760+GST = \$14,212			
2	Community leases	76	Peppercorn	\$10+GST	\$836	\$32,875	-\$32,039
3	Community leases	76	50% of Minimum rate	\$380+GST	\$31,768	\$32,875	-\$1,107
4	Community leases	76	Minimum rate	\$760+GST	\$63,536	\$32,875	\$30,661

At the time of this report the minimum rate is \$760. The City has proposed the minimum rate for the 2012/13 financial year be \$820.

Option 1 provides for a fair and equitable rental arrangement given that the Lessee on a peppercorn rent fully maintains those buildings at no cost to Council. Lessee's leasing land and City buildings will pay a rental the equivalent to the minimum rate as the City undertakes structural maintenance and electrical wiring of the City leased building.

The Committee is required to determine which rent option for Community leases it wishes to pursue.

12. Submissions

The City has received several submissions including the minutes from the community groups meeting on Saturday 28 April 2012, one submission from Councillor Gregson with the remaining submissions being received from community groups (mainly rural community halls) regarding the review of community leases. Attachment 2 provides all of those submissions.

In summary the majority of the submissions support retaining peppercorn rent for Community leases over a term of 21 years and particularly for rural community halls or alternatively adopting a three tier rent rating system based on the Lessees ability to attract membership and a more commercial position.

It is noted that rent for Commercial leases is based on Market Valuation.

Recommendation

ITEM 5.2: RECOMMENDATION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR HAMMOND**

THAT this matter lay on the table until a Special Audit and Finance Committee meeting is called.

CARRIED 10-3

Record of Vote

Against the Motion: Mayor Wellington, Councillor Stocks and Hortin

ITEM 5.2: RECOMMENDATION

THAT the Committee:

1. Considers the revised Property Management – Leases and Licences Policy and provides direction on final terms.
2. Instructs the CEO to modify the Policy in line with Committee feedback and seek legal advice on the terms of the Committee finalised Policy to ensure property law (leasing) legislative and common law compliance.
3. Once the above legal advice is obtained (and any necessary changes made to Policy to comply with law) the draft Policy be sent to City of Albany Lessees and other stakeholders potentially impacted by the Policy for stakeholder feedback.
4. The draft Policy be re-presented to the Committee in July 2012 for finalisation and recommendation to Council.

Attachments

1. Draft Property Management – Leases and Licences Policy
2. Submissions
3. Council Procedures - Leases and Licences

ITEM 5.7

AUDIT AND FINANCE
COMMITTEE MINUTES
28/05/2012**ITEM 5.7: PURCHASE OF CSBP LAND, 198 HANRAHAN ROAD, MOUNT
ELPHINSTONE****Reporting Officer: Executive Director Works and Services****Background**

The City of Albany faces significant fines and penalties from DEC if the leachate issue identified on the Hanrahan Road tip site is not addressed by January 2013.

To address these problems the cost effective solution is to purchase and develop the CSBP land adjacent to the site. Negotiations commenced early this year and we received a non bonding proposal from CSBP on 27th April 2012 outlining the terms and conditions associated with this sale. This letter along with our response is **attached** to this item.

The most recent valuation completed just over twelve months ago indicated the land is worth \$360,000.00 exclusive of GST. CSBP have offered the sale at \$440,000.00 exclusive of GST.

I have made phone contact with CSBP who appear committed to the sale. The COA would not be able to resolve the leachate issue on any other site.

Financial Implications

- While we would be paying above market rates we have no choice but to secure this land as failure to do so could lead to fines of up to \$10,000 per day from January 2013.
- The other option we researched was to lease the land from CSBP but this was rejected due to risks associated with an investment budgeted at \$1,000,000 on land we would not own.

Risk Management

We sent the offer from CSBP to our consultants for an assessment of the environmental conditions outlined in the CSBP offer. The following is an excerpt from their email response:-

"I've discussed the correspondence the City of Albany (the City) from CSBP with our specialists in Contaminated Land and Planning. They have raised concerns regarding the potential for legal repercussions for the City arising from agreeing to the indemnification as requested. This is particularly in relation to CSBP's request for indemnification for offsite impacts from the existing contamination, and potential for cumulative impacts from the installation of leachate ponds into existing contamination. In addition, a request for subdivision will trigger referral to DEC for advice and the standard clause (model text) attached to approval for subdivision from WAPC in relation to contamination is "*prior to the commencement of site works, investigation for soil and groundwater contamination to be carried out to the specifications of the Department of Environment*".

ITEM 5.7

AUDIT AND FINANCE
COMMITTEE MINUTES
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The City will now seek professional advice from a lawyer experienced in contaminated sites

Recommendation

ITEM 5.7: RECOMMENDATION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR GREGSON**

THAT the City progress negotiations by addressing the conditions outlined in the letter received from CSBP, with a view to tabling an item at the July OCM.

CARRIED 12-1

Record of Vote

Against the Motion: Councillor Bostock

ITEM 5.10: BUDGET TO ACTUAL FINANCIALS

Reporting Officer: Duncan Olde, Manager Finance

Objective

To provide the Committee with an overview on year to date financial information.

Background

Management regularly review actual to budget, at account, subfunction/business unit, and overall level. The attached report is shown at the subfunction/business unit level.

Discussion

1. The Finance team is currently preparing the budget for 2012/13. This involves reviewing the current year (11/12) and comparing budgeted amounts to actual. The attached management finance report shows the variances year to date at subfunction/business unit level.
2. Many of the variances will be reviewed during the preparation of the Year End accounts, and accounting adjustments made, per LGA requirements, and to various accounting standards.
3. I refer to the Note column in the report attached.
 - a. CPR- CEO Major projects reflects the restructure for 12/13, with some minor expenses relating to 12/13 projects being allocated.
 - b. DD. Economic Development shows a significant underspend. This is a timing issue, as the City will be paying the contribution to the AEC in June. This would be expected to be on budget.
 - c. LDE. Land subdivisions. During June the loan attached to the subdivision will become due (\$3.3 million). As per the Q3 review, due to lower sales, the City will be refinancing \$2.3 million of this, due in late June.
 - d. 31D. Recreation Services. This is the employee costs that have previously been carried under ALAC. This reflects the structure going forward.
 - e. 42B. Community Development Youth. This shows a significant amount of income due to receipt of Kidsport grant, which will not be fully expended by year end. Any unspent grant will be carried forward to 12/13.
 - f. 45. Day Care Centre. This is, in large part, a timing issue, as the report includes expenses to date, but income for May has not yet been allocated. This is a month end process.
 - g. 48. AVC Operating. This is, in large part, a timing issue, as the report includes expenses to date, but income for May has not yet been allocated. This is a month end process.
 - h. CA. Airport Capital. This is the capital upgrades being undertaken at the airport. Most of this will now be in the 12/13 budget year; therefore this will not be to budget. In the year end adjustments done after year end, this will be carried forward to the 12.13 budget.
 - i. 36A. Emu Point. At year end this is balanced back to nil, by way of transfer to Emu Point Reserves.
 - j. AIT. Information Tech. Capital. This budget area has been underspent, some purchases are occurring at the moment, for year end this will be closer to budget.
 - k. XLA. Loans Renegotiated. The loans fall due this week, and 2 more during June. Timing issue. Actuals should be to budget.
 - l. 72. Waste Minimisation. This is a timing issue in the billing for waste pickup from Cleanaway. Would expect this to be close to budget by end of the year.

- m. CPL. Plant Replacement. Timing issue. The option of leasing will be investigated.
- n. CRS. Road safety. Timing of capital works. Work is being undertaken at the moment.
- o. CW Construction waste. This is largely the construction of the leachate at Hanrahan Rd tip. This will not be undertaken this year, so will not be to budget. Has been carried forward to 12/13.
- p. MRO. Roads Masterplan capital. Timing of major capital works. As the end of the year approaches, as part of the budget process all capital works are reviewed for any work to be carried forward to 12/13, or if it will be complete in this year (11/12).

Conclusion

This time of the financial year we are likely to see some large variances. As part of the budget process these are all examined for any carried forward projects.

Recommendation

ITEM 5.10: RECOMMENDATION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR CALLEJA

THAT the Audit and Finance Committee NOTE the variances and any questions should be forwarded to Council Liaison to arrange a response.

CARRIED 13-0

Attachments

City of Albany Management Financial Report by Business Unit - Actuals Year to Date 27 May 2012.

ITEM 5.11: CARRYOVER OF WORKS-LOWER DENMARK ROAD, ELLEKER**Reporting Officer: Executive Director Works and Services****Background**

Lower Denmark Rd has been upgraded in stages to current road standards since 2002. This involves the widening and reconstruction of 2.7 km's of road as well as the construction of a footway through the Elleker town site between Old School Road and the Elleker store. As well as the footway piped drainage is also being installed through the town section. The construction work is being undertaken by AD Contractors and the City has engaged OPUS consulting to act as the Superintendent for the work. The Contract value is \$1,114,765 with \$551,274 dollars funded through the Regional Road Group (RRG) and \$40,970 funded through Royalties for Regions funding. The drainage portion of the contract is nearing completion and the ripping up of the existing seal is due to start.

Implications

There is a significant risk that due to the inclement/cooler weather that the road will not be able to be constructed to the required specifications. Approximately 75% of the footway is to be constructed directly adjacent to the roadway. The construction methodology dictates that the roadway must be constructed first, with the kerb then being placed onto the new road surface. The footway is then constructed up against the newly laid kerbline.

The Contractor and Site Superintendent have submitted a request that the commencement of construction of the road section as well as the majority of the footway be postponed until spring 2012 when warmer/drier weather can be expected, providing ideal conditions for road construction.

Financial Implications

- There was a risk that the \$40,970 R4R funding of the pathway would not be able to be carried over into the 2012/2013 financial year but this has now been resolved with the GSDC;
- The Regional Road Group has been advised that 60% of the funding or \$330,764 will be carried over until the 2012/13 financial year;
- Around \$300,000 of COA funds allocated to this project will need to be carried over until the 2012/13 financial year. The actual figure will be known once invoices for 2011/12 works have been processed.

Risk Management

- Proceeding with construction would open the road to the winter elements and is likely to result in not being able to achieve the necessary compaction or dry back of the pavement layers.

ITEM 5.11

AUDIT AND FINANCE
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- Communication with the Elleker community is essential so that they understand the reasons for the delay and the timetable for the completion of works. This will be done via email with an offer of a visit.

Recommendation

ITEM 5.11: RECOMMENDATION

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR DUFTY**

THAT funds be carried over, and that reconstruction of the roadway and adjacent lengths of footway be postponed until spring 2012.

CARRIED 13-0

ITEM 5.12: CARRY OVER OF WORKS-PFIEFFER ROAD, MANYPEAKS**Reporting Officer: Executive Director Works and Services****Background**

Pfeiffer Road is located approximately 37 kilometres northeast of Albany off South Coast Highway and is an important timber haulage route providing access to a number of timber plantations. Some lengths of Pfeiffer Road have previously been upgraded. This is one of the remaining sections still to be addressed. The upgrading of this sealed section of Pfeiffer Road includes the widening and reconstruction of 1.4 kilometres. The construction work is being undertaken by AD Contractors and the City has engaged OPUS consulting to act as the Superintendent for the work. The Contract value is \$499,000 with \$120,000 dollars funded through the Timber Industry Roding Evaluation Study (TIRES) funding. The contract is of 14 weeks duration, and is currently in week 8.

Implications

Due to the risk of inclement/cooler weather the Contractor proposed a construction methodology whereby the project was split into 2 shorter 700m sections, with each section being constructed separately. This reduces the risk of having too great a length of road unsealed and therefore at a risk of being open to the elements and not being able to achieve the necessary compaction or dry back of the pavement layers.

Completion, including sealing, of the first 700m section is due this week. Continuing with the construction of the second 700m section is due to start thereafter. The Contractor and Superintendent are requesting that the commencement of construction of the second 700m section be postponed until spring 2012 when warmer/drier weather can be expected, providing ideal conditions for road construction.

Financial Implications

- The Regional Road Group who manage the TIRES fund has been advised that 20% of the funding or \$24,000 will be carried over until the 2012/13 financial year;
- Around \$200,000 of COA funds allocated to this project will need to be carried over until the 2012/13 financial year. The actual figure will be known once invoices for 2011/12 works have been processed.

Risk Management

- Proceeding with construction would open to the road to the winter elements and is likely to result in not being able to achieve the necessary compaction or dry back of the pavement layers;
- Communication with affected rural residents is essential so that they understand the reasons for the delay and the timetable for the completion of works. This will be done via a letter drop.

ITEM 5.12

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Recommendation

ITEM 5.12: RECOMMENDATION

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR DUFTY**

THAT the funding for this project be carried over and works to complete the second 700 metre section of Pfeiffer Road be postponed until Spring 2012.

CARRIED 13-0

ITEM 5.13

AUDIT AND FINANCE
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28/05/2012

ITEM 5.13: UNSCHEDULED WORKS REGISTER
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Reporting Officer: Executive Director Works and Services**Background**

The Works and Services Directorate receive regular requests from Councillors, City Staff and ratepayers to improve City infrastructure. Up until now many of these requests have not been responded to and this has led to frustration and complaints.

As these requests come in different forms it is essential they are logged in a central register, investigated (including land tenure, heritage and SWALS approvals) and where approved costed and scheduled within the Capital Works Program.

Implications

The Unscheduled Works Register and process map which is **attached** look to provide a systematic approach to logging and responding to all requests received. The tabling of this report at council meetings will demonstrate to councillors the number and type of capital requests we receive each year.

To accommodate these requests \$300,000 has been set aside in next year's budget for unscheduled works and it is anticipated that priorities will be drawn from this register. This is likely to include rectification works to COA facilities to meet OSH obligations. It is becoming increasingly clear that there are many "OSH building issues" that have been raised by staff over previous years that have not been addressed. This ranges from simple things like improved screening of windows and doors to serious faults such as electrical wiring and structural safety.

Recommendation

ITEM 5.13: RECOMMENDATION

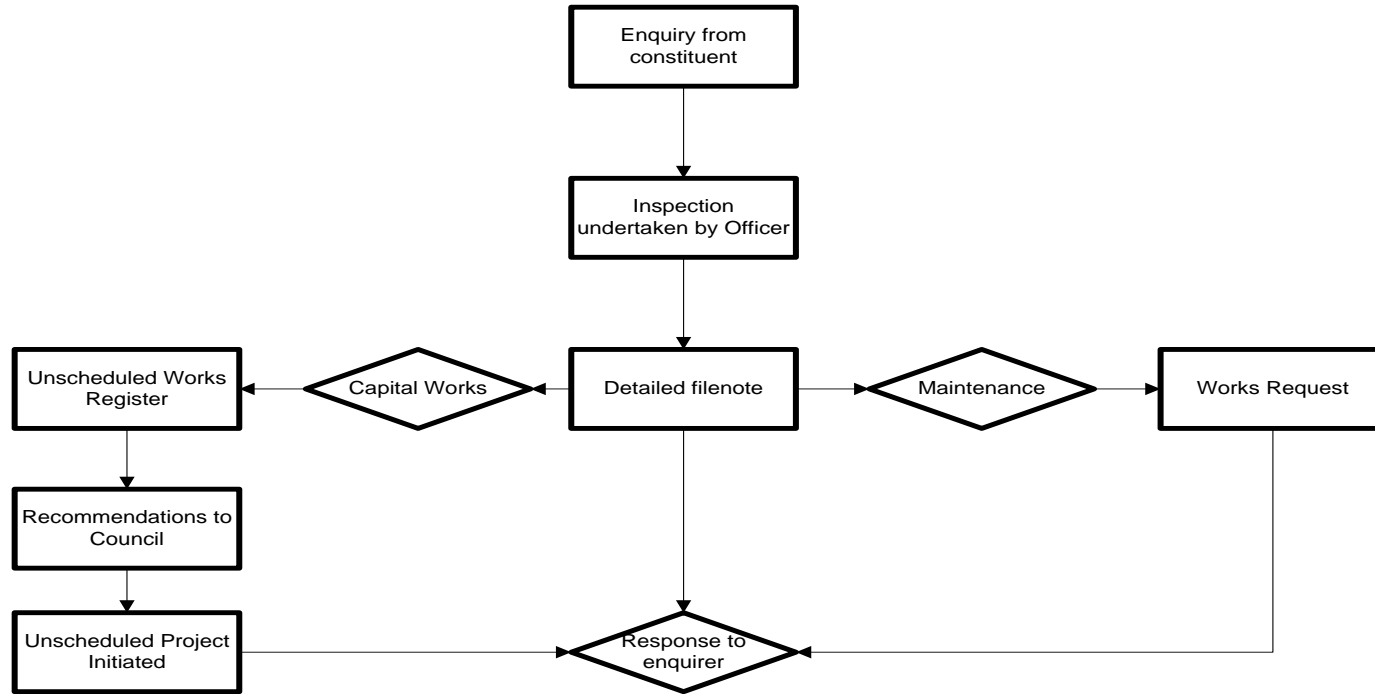
MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GREGSON

THAT the process map be ADOPTED and the Unscheduled Works Register be presented quarterly to the Audit and Finance Committee for review and recommendation of unscheduled works to be undertaken in the following quarter.

The only exception would be priority one items where there is an immediate safety (including OSH) or financial risk to the City of Albany. These issues would be approved by the Executive Director Works and Services and reported back to Council via the Unscheduled Works Register.
--

CARRIED 13-0

UNSCHEDULED WORKS PROCESS MAP



RECORDS REQUIRED

ACTION	RECORD
Request	Synergy letter or Customer Service Request
Site Inspection	Filenote
Registration	Unscheduled Works Register
Feedback/Response	Letter or Email

ITEM 5.14

AUDIT AND FINANCE
COMMITTEE MINUTES
28/05/2012

**ITEM 5.14: EMU POINT BOAT PENS-HANDOVER TO DEPARTMENT OF
TRANSPORT**

Reporting Officer: Executive Director Works and Services

Background

Attached is an email from The Department of Transport (DOT) in response to a request from the COA to investigate the transfer of the management of the Emu Point Boat Pens to the Dept of Transport I have also received a report from our consultants indicating the expenditure required to maintain the boat pens over the coming years. The current income for these pens is well short of what we require to maintain and eventually replace this asset.

I have subsequently spoken to Kim Davis who confirmed DOT interest with both parties agreeing that it would make sense for DOT to manage all boat pens in the COA municipality.

As indicated in the DOT email below this is a contentious issue. The City has initiated negotiations with DOT for the transfer of these boat pens three times in the past and each time it is been the City who have curtailed these negotiations because of the backlash from boat pen holders.

Financial/Risk Implications

- Only \$25k of the \$150k allocated for boat pen maintenance has been spent this year. The remainder has been set aside until negotiations are progressed.
- Transfer to DOT would result in a significant increase in boat pen rental fees resulting in a backlash from pen holders. However it should be noted that the DOT fees more accurately reflect the cost of maintaining boat pen facilities.

Recommendation

ITEM 5.14: RECOMMENDATION

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR HOLDEN**

THAT:

1. Further analysis is carried out to compare boat pen income with associated costs to determine rental required to cover costs and eventual replacement based on whole of life asset management principles.
2. Negotiations are progressed with the DOT to determine the viability of the transfer of the boat pens.
3. The \$125,000 remaining in the 2011/12 Boat Pen maintenance budget is carried over until 2012/13 until the financial analysis and negotiations have been progressed.

CARRIED 13-0

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**

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SUTTON**

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

CARRIED 12-0



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

Mayor	D Wellington(Chair)
Councillors:	
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
Staff:	
Chief Executive Officer	F James
Manager Compliance and Community Safety	S Jamieson
Minutes	J Williamson
Apologies/Leave of Absence:	
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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR ATTWELL**

THAT the Common Seal Report for July 2012 be RECEIVED.

CARRIED 12-0

NCSR1225037 PRO383
COPY OF COMMON SEAL
ITEM: 4.3 OCM: 17.04.121
REF: NEW LEASE LOTTERIES HOUSE 211- 217 NORTH ROAD YAKAMIA
PARTIES: CITY OF ALBANY AND ALBANY HALFWAY HOUSE ASSOCIATION
INCORPORATED
SIGNED BY ACTING CEO L HILL AND MAYOR 2 COPIES

NCSR1225124 930-10
COPY OF COMMON SEAL
ITEM: N/A OCM: N/A
REF: 2 x RESTRICTIVE COVENANTS FOR RE-SIGNING DUE TO MISPLACEMENT OF
DOCUMENTS BY ST GEORGE BANK - GROVE STREET WEST LOTS 1 - 9 OF 20
GROVE STREET AND QUEEN STREET LOTS 9 -22 OF 20 GROVE STREET.
PARTIES: CITY OF ALBANY AND GROVE 20 PTY LTD
SIGNED BY ACTING CEO L HILL AND MAYOR 2 COPIES

NCSR1225125 132853
COPY OF COMMON SEAL
ITEM: N/A OCM: N/A
REF: FORM A5 APPLICATION TO VARY THE SECTION 167 REG. 5 EASEMENTS ON
DP67389
PARTIES: CITY OF ALBANY
SIGNED BY ACTING CEO L HILL AND MAYOR 2 COPIES

NCSR1225152 AMD266
COPY OF COMMON SEAL
ITEM: 13.2.2 OCM: 20.4.10
ITEM: 2.4 OCM: 13.12.11
REF: AMD266 - REZONING OF LOT 114 FRENCHMAN BAY ROAD, ROBINSON FROM
RURAL AND RESIDENTIAL DEVELOPMENT ZONES TO SPECIAL RURAL.
PARTIES: CITY OF ALBANY AND MR J DRINAN AND MS M PRICE
SIGNED BY ACTING CEO L HILL AND MAYOR 2 COPIES

NCSR1225254 PRO357
COPY OF COMMON SEAL
ITEM: N/A OCM: N/A
REF: SALE OF LOT 402 (4) GIFFORD STREET, LOCKYER - AUTHORITY TO ACT
PARTIES: CITY OF ALBANY AND HHG LEGAL GROUP
SIGNED BY ACTING CEO L HILL AND MAYOR 1 COPY

NCSR12255343 140045
COPY OF COMMON SEAL
REF: NOTIFICATION UNDER SECTION 70A DEPOSITED PLAN 71796
PARTIES: CITY OF ALBANY AND LANDCHOICE DEVELOPMENTS PTY LTD
SIGNED BY ACTING CEO L HILL AND MAYOR 1 COPY

NCSR12255404 C11017
COPY OF COMMON SEAL
ITEM: 6.2 OCM: 03.04.12
REF: CONTRACTS C11017 - AIRPORT SECURITY EQUIPMENT
PARTIES: CITY OF ALBANY AND L3 COMMUNICATIONS AUSTRALIA PTY LTD
SIGNED BY ACTING CEO L HILL AND MAYOR 3 COPIES

NCSR12255491 PRO217

COPY OF COMMON SEAL

ITEM: 4.6 OCM: 15.03.11

ITEM: 4.3.15 OCM: 14.12.10

REF: DEED OF ASSIGNMENT OF LEASE FOR CHEYNE BEACH HOLIDAY ACCOMMODATION AT LOT 22 BAXTERI ROAD CHEYNE BEACH ON PORTION OF CROWN RESERVE 878 BY ORDER OF THE SUPREME COURT
PARTIES: CITY OF ALBANY AND DARRELL CHARLES JACKMAN AS TRUSTEE FOR THE ESTATE OF THE LATE HERBERT ARTHUR GEORGE JACKMAN ("ASSIGNOR") AND GLORIA ELSIE DAWSON ("ASSIGNEE")
SIGNED BY ACTING CEO L HILL AND MAYOR 4 COPIES

NCSR1225526 PRO190

COPY OF COMMON SEAL

ITEM: 2.7 OCM: 19.10.2010

ITEM: 4.3.15 OCM:14.12.10

ITEM: 4.6 OCM: 15.03.2011

REF: DEED OF LEASE FOR CHEYNE BEACH HOLIDAY ACCOMMODATION AT LOT 9 BAXTERI ROAD CHEYNE BEACH ON PORTION OF CROWN RESERVE 878
PARTIES: CITY OF ALBANY AND BRIAN ERNEST HAMMER
SIGNED BY ACTING CEO L HILL AND MAYOR 3 COPIES

NCSR1225539 141511

COPY OF COMMON SEAL

ITEM: N/A OCM: N/A

RE: SECTION 70A NOTIFICATION FOR SUBDIVISION WAPC 141511 ON LOTS 820, 821,822,823,824,827 AND 828 ON DP 73986
PARTIES: CITY OF ALBANY AND BARRY JOHN PANIZZA
SIGNED BY ACTING CEO L HILL AND MAYOR 1 COPY

NCSR1225542 PRO357

COPY OF COMMON SEAL

ITEM: 4.6 OCM: 15.03.11

RE: SALE OF LOT 403 (6) GIFFORD STREET, LOCKYER - TRANSFER OF LAND
PARTIES: CITY OF ALBANY AND GREGORY MARK AND PAULA SEARLE
SIGNED BY ACTING CEO L HILL AND MAYOR 1 COPY

EDR1225036 ES.AWP.1
EXECUTED DOCUMENT
ITEM:4.6 OCM: 15.03.2011
REF: SOUTH COAST BUSH FIRE BRIGADE MEMBER SERVICE FOR LAST 34 YEARS
PARTIES: CITY OF ALBANY AND FIRE AND EMERGENCY SERVICES AUTHORITY
SIGNED BY ACTING CEO L HILL 1 COPY

EDR1225064 A157924
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
REF: APPLICATION FOR BUILDING PERMIT TO INSTALL A TRANSFORMER
COMPOUND ON CROWN RESERVE 19466 STIRLING TERRACE
PARTIES: CITY OF ALBANY AND UNIVERSITY OF WESTERN AUSTRALIA - ALBANY
CAMPUS
SIGNED BY CEO 1 COPY

EDR1225065 PRO357
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.2011
REF: SALE OF LOT 437 (9) GIFFORD STREET LOCKYER - EXTENSION OF FINANCE
PARTIES: CITY OF ALBANY AND WILFREDO PANSOY AND LAILA PANSOY
SIGNED BY CEO 1 COPY

EDR1225066 PRO357
EXECUTED DOCUMENT
ITEM:4 .6 OCM: 15.03.2011
REF: SALE OF LOT 402 (4) GIFFORD STREET LOCKYER - TERMINATION OF
CONTRACT
PARTIES: CITY OF ALBANY AND ROYCE MEAD
SIGNED BY ACTING CEO L HILL 1 COPY

EDR1225067 PF1573
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
REF: OFFER OF EMPLOYMENT - COMMUNITY SAFETY TEAM RANGER
PARTIES: CITY OF ALBANY AND DEBORAH WALKER
SIGNED BY ACTING CEO L HILL 1 COPY

EDR1225079 C11017
EXECUTED DOCUMENT
ITEM: 6.2 OCM: 3.04.12
REF: C11017 - AIRPORT SECURITY EQUIPMENT AWARD LETTER
PARTIES: CITY OF ALBANY AND L-3 COMMUNICATIONS AUSTRALIA PTY LTD
SIGNED BY ACTING CEO L HILL 1 COPY

EDR1225082 RD.RDC.1
EXECUTED DOCUMENT
ITEM 4.6 OCM: 15.03.11
REF: CLOSE THOROUGHFARE DELEGATION FOR VINTAGE AND CLASSIC
MOTORCYCLE TIME TRIAL EVENT 3 & 4/11/12
PARTIES: CITY OF ALBANY AND
SIGNED BY ACTING CEO L HILL 1 COPY

EDR1225126 ES.AWP.1
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
REF: SOUTH COAST BUSH FIRE BRIGADE RECOGNISE MR ARTHUR BARRY JONES
BRIGADE MEMBER FOR SERVICE OVER 17 YEARS
PARTIES: CITY OF ALBANY AND FIRE AND EMERGENCY SERVICE AUTHORITY
SIGNED BY CEO 1 COPY

EDR1225127 IM.RMT.3
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
REF: INACTIVE RECORDS DESTRUCTION SCHEDULE ON ACCORDANCE WITH
DISPOSAL AUTHORITY (GDA-RD2010046)
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1225136 LS.COT.1
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
REF: LEGAL COSTS AGREEMENT COMPRISING DISC. NOTICE, APPT TERMS, FEES &
OTHER CHARGES
PARTIES: CITY OF ALBANY AND CLAYTON UTZ
SIGNED BY CEO 1 COPY

EDR1225148 A157924
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
REF: APPLICATION FOR GRANT OF PLANNING SCHEME CONSENT STIRLING
TERRACE RESERVE 19466
PARTIES: CITY OF ALBANY AND
SIGNED BY CEO 1 COPY

EDR1225155 A181595
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
REF: APPLICATION FOR BUILDING PERMIT FOR BUILDING COMMONLY KNOWN AS
OLD ALBANY POST OFFICE STIRLING TERRACE, ALBANY
PARTIES: CITY OF ALBANY AND H & H ARCHITECTS FOR UNIVERSITY OF WESTERN
AUSTRALIA -ALBANY CAMPUS
SIGNED BY CEO 1 COPY

EDR1225195 GS.PRG.22
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: REGIONAL ROAD GROUP FUNDING - BLACKSPOT ROAD PROGRAM
PARTIES: CITY OF ALBANY AND MAIN ROADS
SIGNED BY CEO 1 COPY

EDR1269948 PR.DEC.4
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: PLANNING APPLICATION FOR PADRE WHITE LOOKOUT
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1269950 LP.PRG.1
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: INHERIT DATA SHARING AND SYSTEM USER AGREEMENT
PARTIES: CITY OF ALBANY AND HERITAGE COUNCIL OF WA
SIGNED BY CEO 1 COPY

EDR1225250 CA.JOV.1
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: WATER CORPORATION TO COMMENCE LEGAL PROCEEDINGS TO DEFAULT
THE SUBLESSEE UNDER THE TERMS OF THE DEED OF SUBLEASE DATED 13 JULY
2011
PARTIES: CITY OF ALBANY AND O.S.I.B PTY LTD T/AS GREAT SOUTHERN LIQUID
WASTE
SIGNED BY CEO 1 COPY

EDR1225251 PRO357
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
RE: SALE OF LOT 445 (8) RAYBOLD STREET, LOCKYER - EXTENSION OF FINANCE
PARTIES: CITY OF ALBANY AND JOEL MARZAN AND LOVELY MARZAN
SIGNED BY CEO 1 COPY

EDR1225252 RV.RPY.2
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: CONFIRMATION THAT DUNCAN OLDE, MANAGER FINANCE IS AUTHORISED AS
AN OFFICER OF THE CITY OF ALBANY TO REPRESENT THE CITY IN ANY COURT
PROCEEDINGS FOR THE RECOVERY OF OUTSTANDING RATES, CHARGES AND
INTEREST FROM KEE-VEE PROPERTIES PTY LTD
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1225253 PF10533
EXECUTED DOCUMENT
ITEM: 1.4 OCM: 19.06.12
RE: CONTRACT OF EMPLOYMENT ACTING EXECUTIVE DIRECTOR COMMUNITY
SERVICES
PARTIES: CITY OF ALBANY AND CAMERON WOODS
SIGNED BY CEO 1 COPY

EDR1225270 GR.MEE.4
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
RE: REGIONAL ROAD GROUP - TIRES
PARTIES: CITY OF ALBANY AND MAIN ROADS
SIGNED BY CEO 1 COPY

EDR1225272 DES255
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
RE: PROPOSED DISTURBANCE TO SITE 5188 - WEELARA LAKE AND SITE 22531 - MT
MELVILLE RESERVE (PARKER ST)
PARTIES: CITY OF ALBANY AND STATE OF WA VIA MINISTER FOR LANDS
SIGNED BY CEO 1 COPY

EDR1225342 A136801
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: APPLICATION FOR GRANT OF PLANNING SCHEME- FORTS ROAD, MT
CLARENCE
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1225380 C12009
EXECUTED DOCUMENT
ITEM: 4.5 OCM: 17.07.12
RE: LETTER OF AWARD: CONTRACT C12009 - PROVISION OF CLEANING SERVICES
PARTIES: CITY OF ALBANY AND OCS SERVICES PTY LTD
SIGNED BY CEO 1 COPY

EDR1225382 PS.TEN.1
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: NON - CONFORMING QUOTATION (FILE NOTE)
PARTIES: CITY OF ALBANY AND J & S CASTLEHOW
SIGNED BY CEO 1 COPY

EDR1225384 GS.PRG.46
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
RE: GRANT EXTENSION LETTER - SPORT 4 ALL - KIDSPORT PROGRAM
PARTIES: CITY OF ALBANY AND DEPT. OF SPORT AND RECREATION
SIGNED BY CEO 1 COPY

EDR1225386 GS.APC.1
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: GRANT FOR \$1000.00 FROM INJURY CONTROL COUNCIL OF WA FOR CITY OF
ALBANY TO HOST A STAY ON YOUR FEET WEEK EVENT
PARTIES: CITY OF ALBANY AND INJURY CONTROL COUNCIL WA
SIGNED BY CEO 1 COPY

EDR1225405 PS.COT.2
EXECUTED DOCUMENT
ITEM: 5.1 OCM: 17.07.12
RE: LETTER OF AWARD & PURCHASE ORDER FOR P12001 ROAD SWEEPER
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1225474 LE.PSU.1
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: NOMINATION OF STAFF TO RECEIVE RELEASE OF DRIVER AND VEHICLE
LICENSING INFORMATION TO LOCAL GOVERNMENT AUTHORITIES FOR THE
PURPOSE OF ENFORCING LEGISLATION
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1225475 ES.AWP.1
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
RE: FIRST QUARTER PAYMENT TO THE SES FROMESL FUNDING (\$10,000) JOB
NUMBER 108630.28
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1225476 GS.PRG.34
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
RE: STATE WIDE CLUB DEVELOPMENT OFFICER (CDO) SCHEME, GRANT
APPLICATION FORM - NEW AGREEMENTS
PARTIES: CITY OF ALBANY AND DEPARTMENT OF SPORT AND RECREATION
SIGNED BY CEO 1 COPY

EDR1225477 RD.RDC.1
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
ITEM: 4.3.6 OCM: 14.12.10
RE: CLOSE THOROUGHFARE DELEGATION - STIRLING TERRACE - POLICE
REMEMBRANCE DAY CEREMONY
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1225478 PRO217
EXECUTED DOCUMENT
ITEM: 4.3.15 OCM: 14.12.2010
ITEM: 4.6 OCM: 15.03.11
RE: DEED OF ASSIGNMENT OF LEASE FOR CHEYNE BEACH HOLIDAY
ACCOMMODATION AT LOT 22 BAXTERI ROAD CHEYNE BEACH ON PORTION OF
CROWN RESERVE 878 BY ORDER OF THE SUPREME COURT
PARTIES: CITY OF ALBANY AND DARRELL CHARLES JACKMAN AS TRUSTEE FOR
THE ESTATE OF THE LATE HERBERT ARTHUR GEORGE JACKMAN ("ASSIGNOR")
AND GLORIA ELISE DAWSON ("ASSIGNEE")
SIGNED BY CEO 4 COPIES

EDR1225488 CP.PRG.4
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: INVOICE - ANZAC INTERPRETIVE CENTRE - DESIGN SERVICES SIA ARCHITECTS
PARTIES: CITY OF ALBANY AND SIA ARCHITECTS
SIGNED BY CEO 1 COPY

EDR1225498 CS.SPV.3

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A

RE: PAYMENT OF \$55,888.00 FROM RESERVE ACCOUNT 'CEMETERY CAPITAL WORKS' FOR 2012/2013 FINANCIAL YEAR

PARTIES: CITY OF ALBANY AND ALBANY CEMETERY BOARD - ALLAMBIE PARK CEMETERY AND CREMATORIUM

SIGNED BY CEO 1 COPY

EDR1225501 ED.PJT.4

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A

RE: PAYMENT IS PART OF \$1M PLUS GST: DUE IN ACCORD WITH MOU SEPTEMBER 2007 SIGNED BY CITY OF ALBANY AND SATE AS CONTRIBUTION TO DELIVERY OF LOT 2 IN THE ALBWF, BEING THE AEC SITE.

PARTIES: CITY OF ALBANY AND WESTERN AUSTRALIAN LAND AUTHORITY

SIGNED BY CEO 1 COPY

EDR1225513 C11019

EXECUTED DOCUMENT

ITEM: 4.3 OCM: 14.12.10

RE: AWARD CONTRACT FOR THE PURCHASE OF ONE HOT MIX MAINTENANCE TRUCK

PARTIES: CITY OF ALBANY AND TRUCK CENTRE (WA) PTY LTD

SIGNED BY CEO 1 COPY

EDR1225533 FM.BUG.2

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A

REF: MINISTERIAL APPROVAL REQUESTED TO QUASH RATES 2011/2012

PARTIES: CITY OF ALBANY

SIGNED BY: ACTING CEO L HILL 1 COPY

EDR1225537 GS.APC.12

EXECUTED DOCUMENT

ITEM: 3.4 OCM: 17.08.10

ITEM: 4.6 OCM: 15.03.11

RE: COUNTRY LOCAL GOVERNMENT FUNDING AGREEMENT

PARTIES: CITY OF ALBANY AND DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS

SIGNED BY CEO 1 COPY

**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: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR GREGSON

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.

**CARRIED 12-0
ABSOLUTE MAJORITY**

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*.

Consulted References	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Number (Name of Ward)	All Wards
Previous Reference	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

1.4: RETROSPECTIVE APPROVAL 2011/2012 MINIMUM RATES

Proponent	: City of Albany
Attachments	: Letter dated 7 August 2012 from Department of Local Government
Responsible Officer(s)	: Acting Chief Executive Officer (L Hill)

IN BRIEF

- In the 2011/12 budget the City of Albany imposed minimum payments that did not comply with the *Local Government Act 1995*.
- There is no financial impact to City of Albany or ratepayers
- Approval has been granted by the Minister to reimpose the quashed rates
- A resolution of Council is required to reimpose the quashed rates

RECOMMENDATION

ITEM 1.4: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON

THAT the imposed minimum payments of Gross Rental Value rated land for 2011-12, as quashed by the Minister for Local Government, be reimposed.

CARRIED 12-0
ABSOLUTE MAJORITY

BACKGROUND

1. Specifically the non compliance relates to the minimum payments of Gross Rental Value rated vacant land contrary to s 6.35(5) of the *Local Government Act 1995*, and the required Ministerial approval was not obtained prior to the minimum payment being imposed.
2. Twenty eight local governments within WA breached the Act with their budgets for 2011/12.
3. Of those 22 local governments, the City of Albany's breach was the most minor offence.
4. McLeod's Barristers and Solicitors represented all affected local governments, including the City of Albany, at a State Administrative Tribunal (SAT) hearing on 18 June 2012.

DISCUSSION

5. Section 6.35(4) of the *Local Government Act 1995* states:

A minimum payment is not to be imposed on more than the prescribed percentage of:

- a) The number of separately rated properties in the district; or
- b) The number of properties in each category referred to in subsection (6)

unless the general minimum does not exceed the prescribed amount.

6. Section 6.35(5) provides:

“if a local government imposes a differential general rate on any land on the basis that the land is vacant it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land”.

7. The Department of Local Government, under instructions from the Minister for Local Government, instructed the State Solicitors Office to commence proceedings in the SAT, under s 6.82 of the *Act*, to quash the invalid minimum payment.
8. The outcome from the SAT Review DR 116/2012-Minister for Local Government v City of Albany is as follows:

The parties seek the following orders by consent:

1. The general rate imposed by the City of Albany upon rateable land within its district to be rated on gross rental value for the 2011-12 financial year pursuant to s 6.32(1) of the *Local Government Act 1995 (WA)* is quashed pursuant to s 6.82 of that Act.
 2. There is no order as to costs.
9. The City of Albany submitted a request to the Minister for Local Government that the general rate imposed by the City for the 2011-12 financial year pursuant to s 6.32(1) of the *Local Government Act* should be quashed pursuant to s 6.82 of the Act.
10. Approval has been granted by the Minister, therefore the quashed rates are required to be reimposed by resolution of Council.
11. This is a compliance issue with no cost to City of Albany or ratepayers.

GOVERNMENT CONSULTATION

12. State Administrative Tribunal
13. State Solicitors Office
14. Department of Local Government

PUBLIC CONSULTATION / ENGAGEMENT

15. Nil – not required

STATUTORY IMPLICATIONS

16. Refer to paragraphs 1, 5, and 7

STRATEGIC IMPLICATIONS

17. **Organisational Performance** – *Financial Management*

POLICY IMPLICATIONS

18. Annual Budget 2011/2012.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal and compliance implications</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support officer recommendation</i>
<i>Reputation in the community</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Support officer recommendation Ensure budgeting process meets legislative requirements</i>
<i>Financial impact on City</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support officer recommendation Ensure budgeting process meets legislative requirements</i>

FINANCIAL IMPLICATIONS

20. Nil.

LEGAL IMPLICATIONS

21. The City of Albany has now obtained approval from Minister of Local Government, no further legal implications apply to this issue.

ALTERNATE OPTIONS

22. Nil

Consulted References	:	Local Government Act 1995 (WA)
File Number (Name of Ward)	:	FM.BUG.2
Previous Reference	:	



Government of **Western Australia**
 Department of **Local Government**



Our Ref: AL5-1#02 E1216587



Ms Linda Hill
 Acting Chief Executive Officer
 City of Albany
 PO Box 484
 ALBANY DC WA 6331

	City of Albany Records
Doc No	ICR1272219
File	FM.REV.1
Date	13 AUG 2012
Officer	ACEO2.EDCS
Attach:	
Box	
/of	
Box+Vol.	

Dear Ms Hill

I refer to the City's letter of 27 July 2012 requesting approval to impose GRV Vacant category minimum payments in 2011/12 which had been quashed by the State Administrative Tribunal. The rates were quashed as the Ministerial approval required under s 6.35(5) of the *Local Government Act 1995* had not been obtained.

I advise that the Director General, under delegated authority from the Minister for Local Government, has approved in accordance with section 6.35(5) of the *Local Government Act 1995*, of the City imposing the GRV Vacant category minimum payments as proposed in your letter.

This approval is valid for the 2011/2012 financial year.

Yours sincerely

Mary Adam
 DIRECTOR LEGAL AND LEGISLATIVE SERVICES

7 August 2012

Gordon Stephenson House
 140 William Street Perth WA 6005
 GPO Box R1250 Perth WA 6844
 Tel: (08) 6552 1500 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
 E-mail: info@dlg.wa.gov.au Website: www.dlg.wa.gov.au
 wa.gov.au

Charles Johnson
 PIA WA State President

6.1: 2011-12 BUDGET ADOPTION

Proponent : City of Albany
Attachment : 2011/2012 Budget documents
Item 4.3 OCM 19 July 2011
Responsible Officer : Chief Executive Officer (Faileen James)

IN BRIEF

- The City Executive has worked with Council Members through workshops in preparing the 2011-12 draft Budget for adoption.
- At the OCM on 19 July 2011, Council did not adopt the 2011-12 Budget.
- The 2011-12 Budget is again presented for adoption.
- The City is required by law to adopt the 2011-12 Budget by 31 August 2011.

ITEM 6.1: ALTERNATE MOTION BY COUNCILLOR D BOSTOCK

MOVED: COUNCILLOR D BOSTOCK
SECONDED: COUNCILLOR HAMMOND

THAT the 2011-12 Budget be Adopted with the following condition:

That staff and all related costs be no greater than that for 2010-11, but only increase in line with CPI

LOST 2-6

Record of Vote

For the Motion: Councillor D Bostock and Councillor Hammond

ITEM 6.1: MOTION BY COUNCILLOR DUFTY

THAT Standing Order 5.10, Limitation on Members speaking, be SUSPENDED in order to allow further discussion.

CARRIED 8-0

ITEM 6.1: RESPONSIBLE OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ADOPT the 2011-12 Budget.

ITEM 6.1: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor D Bostock

BACKGROUND

1. The CEO advised Council of the line items in the Budget over three workshops, with further discussions at two Audit Committee meetings.
2. Individual items of revenue and expenditure were discussed with the intention of providing Councillors with an understanding of the content of the Budget and the risks/implications of major components of the Budget.
3. After those workshops, staff compiled the Budget document, which presents the line item expenditure and revenue (along with additional information) in a format required by legislation. The first draft of the Budget document was made available to Councillors on 4 July 2011.
4. The second and final draft of the proposed Budget was made available to Councillors on 13 July 2011 some six days prior to the Ordinary Council Meeting on 19 July 2011. In that final draft, staff acknowledged comment made by Councillors at the Agenda Briefing on 5 July 2011 and Councillors were provided with a listing of changes made between the first draft and the final draft of the proposed Budget.
5. A number of alternate motions were put forward when Budget Item 4.3 was considered at the Ordinary Council Meeting on 19 July 2011. Those motions were debated at length but none were endorsed.
6. The 2011-12 Budget was not adopted on the 19 July 2011.
7. The Mayor requested the CEO to arrange a Special Council Meeting.

DISCUSSION

8. Councillors have articulated that the job of Council is to set direction for the budget. Ample opportunity was given to Councillors through workshops to give such direction to staff.
9. At the Ordinary Council Meeting on 19 July 2011, in an alternate motion, Councillor Leavesley recommended quarantining varying amounts of salaries costs. Such quarantining would inhibit the ability of the CEO to implement HR efficiencies and practices commenced soon after the CEO's employment. In addition, such "quarantining" or any reduction in salary costs, would result in probable staff terminations. Such "quarantining" or any reduction in salary costs would also prevent the CEO from building a positive staff team culture. Staff are the City's most valuable asset and staff need to feel valued by Council.
10. "Quarantining" or any reduction in salary costs is not operationally feasible or in line with societal expectations of occupation health and safety and pay equity.
11. Councillor Leavesley also tabled two graphs in support of his alternate motion at the Ordinary Council Meeting 19 July 2011. The first demonstrated that employee costs are accelerating at a faster rate than the number of ratepayers. There is not direct causal relationship between employee costs and the number of ratepayers. For example, in 2008-09 there was an increase in the number of employees (and associated costs) resulting from the upgrade to the Albany Leisure and Aquatic Centre. This was a function of provision of additional services rather than any association to an increase in the number of ratepayers. The additional four Full Time Equivalent employees proposed in this Budget are similarly largely associated with supporting and managing staff to provide better service to the ratepayers.

REFER DISCLAIMER

12. The other graph presented by Councillor Leavesley compared percentage increases in operational employee costs, the number of ratepayers and total rates revenue. In particular the graph showed that the increase in employee costs in 2011-12 is greater than the rates increase, a position which Councillor Leavesley stated to be unsustainable.
13. Revenue is sourced from rates, but also from fees and charges applied to the service provision. Employee costs will always be significant in a service organisation. The City must balance **all** of the revenue it receives with all of the costs of providing services. Whilst some rates revenue is applied to employee costs, it is not correct to say that there is a direct relationship between rates revenue and employee costs, or that a rates increase of less than employee costs is unsustainable. Unsustainability would result from **total** costs (including employee costs) increasing at a higher rate than **all revenue** over several years.
14. Councillor Leavesley also stated that that there has been a 24.75% increase in rates revenue over the time he has been a Councillor. The year on year increase in actual rates revenue from 2009-10 actual to budgeted 2011-12 rates revenue is in fact >30.3%.
15. There has been an average increase in asset management expenditure (including roads, road safety, road maintenance, paths, drainage and parks and reserves maintenance) over three years of 21% when compared to the base year of 2008-09. This is compared to an average increase of 13% in employee costs over the same period when compared to the base year of 2008-09. (The CPI, All Groups Perth has moved from an index of 166.0 in March 2009 to 176.1 in March 2011, an overall increase of 6%). The other contributing factor to this increase is the EBA negotiations.
16. The Executive and Inside Staff have been unable to agree on the terms of a new Collective Agreement. The budget allowance for general workers salary cost increases is therefore in excess of the allowance that will actually be required, that is CPI of 2.6%. It is recommended that this adjustment be made at the first quarterly review and savings be directed to priority projects decided by Council.
17. The City will have additionally paid a net amount of \$3.5 million in principal debt repayments in the three years from 2009-10 to the end of the 2011-12 Budget period, moving the Gross Debt to Revenue Ratio from 63.2% in June 2009 to a projected 36.8% in June 2012. Approximately two thirds of the debt repayments for the 2011-12 year are dependent on successful sales of Cull Road lots at "The Ridge".
18. The City of Albany and the Jack Family Trust have committed to a five year agreement (with 2012 as the final year) to hold the Albany Art Prize, with the Trust contributing \$25,000 in prize money. Additional costs for administering and running the prize are provided by the City of Albany. On 15 June 2011, Councillor Holden and staff from the City met with the Jack Family Trust trustees. The discussions were very constructive and centred on strategies to increase attendance, improve efficiencies and create synergies with other art and cultural activities across the City, so as to make this and other cultural activities more broadly accessible and cost effective.
19. At the July Ordinary Council Meeting Councillor D Bostock confirmed that Councillors looked very thoroughly at each line item in the Budget, but that they did not look at the overall future plan.
20. At the request of Council, the CEO has recently completed a Strategic Planning Process which should guide the City's long term financial plans. Putting annual budgets into the context of long term financial plans and strategies will enable a broader view of the City's financial position.

21. Regulation 9 of the *Local Government (Rules of Conduct) Regulations 2007* prohibits **Council Members** from undertaking any task which contributes to the administration of local government unless authorised to do so by the Council. Councillor D Bostock stated at the 19 July 2011 OCM that it was not his intention as a Councillor to direct the CEO, but that Regulation 9 empowers Council to so direct the CEO. Councillor Bostock is mistaken-this regulation allows undertaking of **a task by a Council Member** who is authorised by Council to do so.
22. The fundamental role of Council as defined in section 2.7 of the *Local Government Act 1995* is governance and overseeing of the allocation of financial resources. The CEO is fulfilling her legislative role by proposing a responsible budget which combines equity for staff whilst efficiently managing the delivery of services to ratepayers within good stewardship of City assets.
23. It is recognised that considerable work is required on Asset Management Plans. The outcome of this work will be the compilation of whole of life costs for City assets, identification of funding gaps etc. This work, to be carried out over the next twelve months, together with the implementation of the Strategic Plan, and the development of a long term financially sustainable operational plan, will provide clarity and direction going forward.

GOVERNMENT CONSULTATION

24. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

20. Members of the public contacted City staff on the day after the July Ordinary Council Meeting, requesting feedback be provided to Council of the unsatisfactory position of not having an endorsed budget.

STATUTORY IMPLICATIONS

21. Section 2.7 (2) (a) of the *Local Government Act 1995* refers to the role of Council:

2.7. Role of Council

(1) *The Council –*

(a) **Governs** the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) *Without limiting subsection (1), the Council is to ... (a) **oversee** the allocation of the local government's finances and resources.*

Section 5.41 (d) of the *Local Government Act 1995* details the functions of the CEO:

5.41. Functions of CEO

The CEO's functions are to -

- (a) Advise the council in relation to the functions of local government under this Act and other written laws;*
- (b) Ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) Cause council decisions to be implemented;*
- (d) Manage the day to day operations of the local government;*
- (e) Liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) Speak on behalf of the local government if the mayor or president agrees;*
- (g) Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37 (2) in relation to senior employees);*
- (h) Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Regulation 9 of the *Local Government (Rules of Conduct) Regulations 2007* state that:

9. Prohibition against involvement in administration

- (1) A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.*

Section 2.7 (2) (a) of the *Local Government Act 1995* refers to the role of Council:

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

**Absolute majority required.*

STRATEGIC IMPLICATIONS

- 27. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

Priority Goals and Objectives:

Goal 4: Governance..... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

At the City of Albany we apply Council funds carefully.

POLICY IMPLICATIONS

28. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
Council does not endorse the 2011-12 Budget causing significant cash flow issues for the City	Possible.	Severe.	Extreme	A further Council meeting will be required to adopt the Budget before 31 August 2011 as required by legislation

FINANCIAL IMPLICATIONS

30. The 2011-12 Budget sets the parameters for expenditure of City resources.

LEGAL IMPLICATIONS

31. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable risks to the City.

ALTERNATE OPTIONS

32. Council could refuse to endorse the budget, but this would mean that the “business” of the City will be significantly impacted, and the City and Council will incur considerable risk in doing so.

SUMMARY CONCLUSION

33. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2011 until 30 June 2012.

Consulted References	Local Government Act 1995 Local Government (Financial Management) Regulations 1996.
File Number (Name of Ward)	FM.BUG.2
Previous Reference	

****REFER DISCLAIMER****

ITEM 7.0: RESOLUTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLDEN**

THAT Standing Orders be RESUMED.

CARRIED 8-0

There being no further business the Presiding Member declared the meeting closed at

(Unconfirmed Minutes)

Mayor Milton J Evans, JP
MAYOR

TABLED ADDRESS BY COUNCILLOR D DUFTY

Mayor and Councillors

I am extremely disappointed that we have to meet here tonight to do what sensibly we should have done a fortnight ago.

We had five meetings and discussed many aspects at length and the budget as presented should have passed at the meeting in July.

While Councillors have the right to raise amendments at any time it should be obvious that the type of amendments tabled were out of order. I won't repeat the reasoning, it is clearly stated in the agenda.

The amendments proposed were debated and all were lost. From the discussion in the previous budget sessions it should have been plainly obvious to the three proponents of the proposed amendments that the budget would pass when Councillors who were unavoidably absent were present.

The actions of the three Councillors in that situation was, in my opinion and the opinion of many ratepayers, irresponsible.

Why irresponsible?

Because having lost their amendments that were predicated on saving money and knowing that with a full council the budget would pass, they should have had the common sense to pass the budget.

By voting against it and denying the absolute majority of seven it has cost this Council \$5,409.00 and hours of lost time. I believe this action was an insult to the management staff and the immense amount of work done by our financial staff headed up by Pam Wignall. Her dedication and hard work has been outstanding and I thank her for that.

Having said that, I defend the right of Councillors to raise amendments at any time-but I hope in future we will look at the big picture.

I commend the budget to you for approval.

Councillor D Dufty.

APPENDIX B

TABLED ADDRESS BY COUNCILLOR D BOSTOCK

Speech in support of amended motion for SCM on 9th August, 2011.

It has been stated that many opportunities were presented to councillors to input their ideas before this budget was finalised, which is correct. In fact I have been banging on about the need for us to monitor and curb our expenditure for almost a year, and make no apology for taking another opportunity to repeat the message.

One does not need to be John Maynard Keynes to realise that we cannot continue to increase rates by significantly more than inflation, year after year, without causing an unacceptable burden on ratepayers, and the only remedy, if such increases are deemed necessary, is to examine our expenditure. Since staff costs account for the greater part of rates revenue it is inevitable that they must be subjected to scrutiny, which is the purpose of my amendment.

As I stated at the July OCM, I see no problem with salary awards which exceed the CPI but, if that is the case, they should be matched by an equivalent increase in productivity, or a reduction in the services which are offered by the City. These comments were taken by some to indicate that I did not value our current staff, which was certainly not my intention and my sympathies have always been with them, as illustrated by my support of the ALAC workers.

However, while my sympathies lie with staff, my duty and responsibility must be with the ratepayers of Albany and I make no apology for being faithful to my election promise in endeavouring to keep rate increases to no more than CPI on an ongoing basis.

I would therefore, ask my fellow councillors to reject the budget until such time as it contains a binding commitment to control excessive rate inflation.

Won't bring the Council down.

Councillor David Bostock

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR GREGSON

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

CARRIED 12-0

CITY OF ALBANY

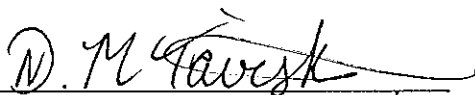
REPORT

To : His Worship the Mayor and Councillors
From : Administration Officer - Development
Subject : Building Activity – July 2012
Date : 2 August 2012

1. In July 2012, seventy one (71) building permits were issued for building activity worth \$7,471,155, this included three (3) demolition licences.

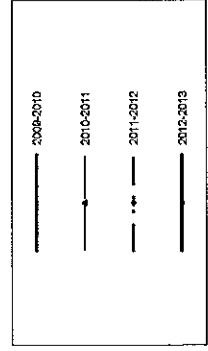
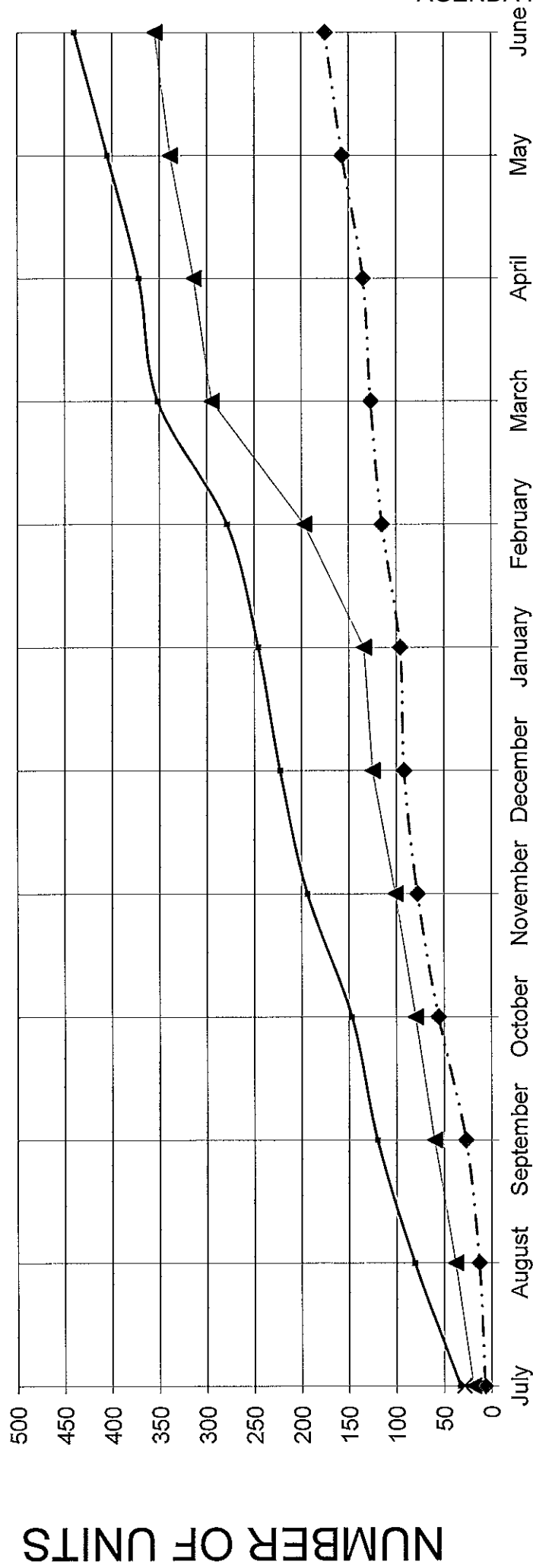
It is brought to Council's attention that these figures included building licence #120223 for a grouped dwelling x7; estimated value \$1,540,000.

2. The two (2) attached graphs compare the current City activity with the past three (3) fiscal years. One compares the value of activity, while the other compares the number of dwelling units.
3. A breakdown of building activity into various categories is provided in the Building Construction Statistics form.
4. Attached are the details of the permits issued for July 2012, the first month of activity in the City of Albany for the financial year 2012/2013.



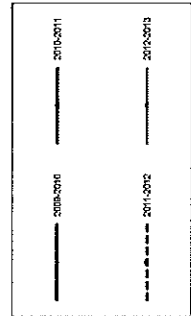
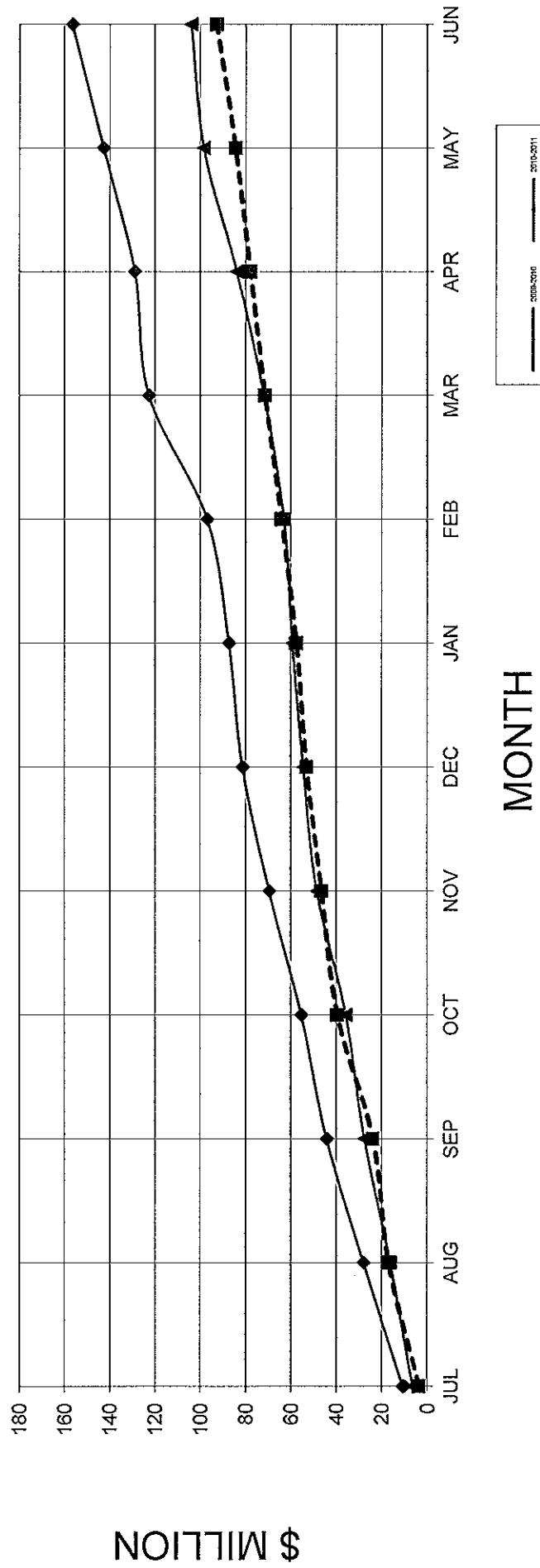
Druella McTavish
Building Services Liaison Officer

DWELLING UNITS



MONTH

BUILDING ACTIVITY
\$M Value



CITY OF ALBANY

BUILDING CONSTRUCTION STATISTICS FOR 2012 - 2013

2010/2011	SINGLE DWELLING		GROUP DWELLING		DOMESTIC/ OUTBUILDINGS		ADDITIONS/ DWELLINGS		HOTEL/ MOTEL		NEW COMMERCIAL		ADDITIONS/ COMMERCIAL		OTHER		TOTAL \$ VALUE
	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	
JULY	22	4,930,929	7	1,540,000	6	88,932	27	626,539			1	47,755	5	182,000	3	55,000	7,471,155
AUGUST																	0
SEPTEMBER																	0
OCTOBER																	0
NOVEMBER																	0
DECEMBER																	0
2011																	0
JANUARY																	0
FEBRUARY																	0
MARCH																	0
APRIL																	0
MAY																	0
JUNE																	0
TOTALS TO DATE	22	4,930,929	7	1,540,000	6	88,932	27	626,539	0	0	1	47,755	5	182,000	3	55,000	7,471,155

BUILDING, SIGN & DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY

Applications determined for July 2012

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120098	OUTDOOR WORLD	Owner's Name and address	PATIO	59	Lot 124	HILL STREET	ALBANY
120178	McGonnell Alan Desmond	<i>not shown at their request</i> M K & G M BLAKE	RESTAURANT	82-84	Lot S22	STIRLING TERRACE	ALBANY
120195	Merym Pty Ltd	CITY OF ALBANY	ALTERATIONS RETAINING WALL -	1-27	Location RES	STIRLING TERRACE	ALBANY
120209	Merym Pty Ltd	(VESTED CROWN LAND) CITY OF ALBANY & THE	CERTIFIED ALTERATIONS TO	33-39	19466 Lot 828 Lot B44	STIRLING TERRACE	ALBANY
120170	KOSTERS STEEL CONSTRUCTION PTY LTD	UNIVERSITY OF WESTE O P EBERT	UNIVERSITY - CERTIFIED PATIO - UNCERTIFIED	6	Location 284 Lot	SPINNAKER AVENUE	BAYONET HEAD
120134	SCOTT PARK HOMES PTY LTD	LOWE PTY LTD &	DWELLING -	4	36 Location 4790 Lot	LAMONT GRANGE	BAYONET HEAD
120181	WA COUNTRY	HOUSING AUTHORITY DEPARTMENT OF	UNCERTIFIED DWELLING -	4	760 Location 4790 Lot	DOYLE WAY	BAYONET HEAD
120188	WA COUNTRY	HOUSING HOUSING AUTHORITY	UNCERTIFIED DWELLING -	8	731 Location 4790 Lot	DOYLE WAY	BAYONET HEAD
120189	WA COUNTRY	HOUSING AUTHORITY	UNCERTIFIED DWELLING -	14	733 Location 4790 Lot	GRESHAM TERRACE	BAYONET HEAD
120191	WA COUNTRY	HOUSING AUTHORITY	UNCERTIFIED DWELLING -	39	783 Location 4790 Lot	GRENFELL DRIVE	BAYONET HEAD
120192	WA COUNTRY	LOWE PTY LTD &	UNCERTIFIED DWELLING -	18	744 Location 4790 Lot	GRESHAM TERRACE	BAYONET HEAD
120198	KOSTERS STEEL CONSTRUCTION PTY LTD	HOUSING AUTHORITY M R & R A EDWARDS	UNCERTIFIED PATIO - UNCERTIFIED	15	781 Location 359 Lot	ALISON PARADE	BAYONET HEAD
120185	WA COUNTRY	HOUSING AUTHORITY	DWELLING -	8	19 Location 4790 Lot	LAMONT GRANGE	BAYONET HEAD
120186	WA COUNTRY	HOUSING AUTHORITY	UNCERTIFIED DWELLING - UNCERTIFIED	29	772 Location 4790 Lot	GRENFELL DRIVE	BAYONET HEAD
	BUILDERS PTY LTD			762			

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120187	WA COUNTRY	HOUSING AUTHORITY	DWELLING -	67	Location 4790 Lot	GRENFELL DRIVE	BAYONET HEAD
120190	BUILDERS PTY LTD WA COUNTRY	HOUSING AUTHORITY	UNCERTIFIED DWELLING -	181	779 Location 4790 Lot	LAMONT GRANGE	BAYONET HEAD
120174	BUILDERS PTY LTD Giosca Claudio Carlo &	E L KNEEBONE	UNCERTIFIED ALTERATIONS AND ADDITIONS -	1	753 Lot 23	THISTLE STREET	BAYONET HEAD
120199	Romeo Gianni WA COUNTRY	HOUSING AUTHORITY	UNCERTIFIED DWELLING	25	Location 4790 Lot	GRENFELL DRIVE	BAYONET HEAD
120211	BUILDERS PTY LTD JAC HOLDINGS P/L	ALBANY LIFESTYLE	CARPOR & PATIO -	20	Location 359 Lot	ALISON PARADE	BAYONET HEAD
120212	JAC HOLDINGS P/L	VILLAGE PTY LTD ALBANY LIFESTYLE	UNCERTIFIED - SITE - 2 CARPOR & PATIO -	20	500 Location 359 Lot	ALISON PARADE	BAYONET HEAD
120213	JAC HOLDINGS P/L	VILLAGE PTY LTD ALBANY LIFESTYLE	UNCERTIFIED - SITE - 59 CARPOR & PATIO -	20	500 Location 359 Lot	ALISON PARADE	BAYONET HEAD
120214	JAC HOLDINGS P/L	VILLAGE PTY LTD ALBANY LIFESTYLE	UNCERTIFIED - SITE - 47 CARPOR & PATIO -	20	500 Location 359 Lot	ALISON PARADE	BAYONET HEAD
120215	JAC HOLDINGS P/L	VILLAGE PTY LTD ALBANY LIFESTYLE	UNCERTIFIED - SITE - 18 CARPOR & PATIO -	20	500 Location 359 Lot	ALISON PARADE	BAYONET HEAD
120065	DAVID PYLE & GEMMA	ID L PYLE & G L	UNCERTIFIED - SITE - 3 DWELLING AND GARAGE -	15	Location 3040 Lot	BERLINER STREET	BAYONET HEAD
302092	HITCHCOCK DAVID PLAISTOWE	HITCHCOCK Owner's Name and address	UNCERTIFIED DWELLING AND GARAGE -	478 13	Location 3040 Lot	BERLINER STREET	BAYONET HEAD
120146	KENT CORPORATION	not shown at their request KNIGHTS PARKS AND	UNCERTIFIED PARK HOME - SITE 4	479 40	Location ALB	WELLINGTON STREET	CENTENNIAL
120084	PTY LTD	PROPERTIES PTY LTD N CARAMIA	CERTIFICATE OF DESIGN COMPLIANCE - NEW ASSESSABLE TOILET ADD	6-10	TOWN Lot 733 Lot 50	ASHFORD STREET	PARK CENTENNIAL
120217		R D MCGRAE	CARPOR - BUILDING	14	Lot 22	ALEXANDER STREET	PARK CENTENNIAL
120224	WREN (WA) PTY LTD	N CARAMIA	APPROVAL DISABLED TOILET ADDITION - CERTIFIED	6-10	Lot 50	ASHFORD STREET	PARK CENTENNIAL PARK

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120227	CREATION HOMES	M & S LEVERINGTON	DEMOLITION PERMIT	282	Lot 501	MIDDLETON ROAD	CENTENNIAL PARK DROME
120184	OUTDOOR WORLD	MT ROMANCE	PATIO - UNCERTIFIED	6	Location 5772 Lot	DOWN ROAD	
120232	OWNER BUILDER	AUSTRALIA PTY LTD CROWN LAND	WAREHOUSE SHED - CERTIFIED	2	Location RES 42984 Lot 504	SWARBRICK STREET	EMU POINT
120180	DOWNRITE	P C DIELESEN & P A	DEMOLITION - DWELLING	9	Location 2471 Lot	RUNNYMEDE STREET	GOODE BEACH
120196	DEMOLITION OWNER BUILDER	BARTLETT R J COCHRANE & J F	CARPOT & WATERTANK CARPORT & DECKING -	45 21	Location 2471 Lot	CALEDONIA CRESCENT	GOODE BEACH
120201	OWNER BUILDER	HANSON B A & R E HAESE	UNCERTIFIED GARAGE - UNCERTIFIED	120 66	Location 2471 Lot	MCBRIDE ROAD	GOODE BEACH
120230	OWNER BUILDER	SCOUT ASSOCIATION OF	ADDITION DISABLED ABLUTIONS-	12 330	Location RES	NORWOOD ROAD	KING RIVER
120234		AUS WA SUB BRANCH CPT CUSTODIAN PTY LTD	UNCERTIFIED OCCUPANCY PERMIT	160	Lot 7700 Lot 1007	CHESTER PASS ROAD	LANGE
120166	AD CONTRACTORS	GROVE 20 PTY LTD	DEMOLITION - DWELLING & SHED	20	Lot 98	GROVE STREET WEST	LITTLE GROVE
120169	CHRIS CAFFERATA	C P & J CAFFERATA	PATIO RETAINING WALL ALTERATIONS & ADDITIONS -	36	Location 24 Lot	GROVE STREET EAST	LITTLE GROVE
120207	KOSTERS STEEL CONSTRUCTION PTY LTD	M C & M C COLMER	UNCERTIFIED PATIO - UNCERTIFIED	107 36	Location 24 Lot	CHIPANA DRIVE	LITTLE GROVE
120210	OUTDOOR WORLD	Z J THORNTON	SHED - UNCERTIFIED	101 21	Location 228 Lot 6556	CLIFTON STREET	LOCKYER
120017	OWNER BUILDER	GLENIDOL PTY LTD	PATIO - ADDITION - UNCERTIFIED	33	Location 28 Lot	KULA ROAD	LOWER KING
301806	OWNER BUILDER	RL HEADY	UNAPPROVED	530	Location 3715	GILGE ROAD	LOWLANDS
120161	RYDE BUILDING COMPANY PTY LTD	D O SPRONK	STRUCTURE - SHED NEW DWELLING - UNCERTIFIED		Location 2571	RYAN ROAD	LOWLANDS

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120173	J & TW DEKKER PTY LTD	J W & M L DEERING	DWELLING GARAGE AND ALFRESCO - UNCERTIFIED	48	Location 492 Lot 101	LAKESIDE DRIVE	MCKAIL
120216	PULS PATIOS	J C & G J WOODS	CARPOT - UNCERTIFIED	59	Location 5490 Lot 27	BEAUDON ROAD	MCKAIL
120202	WA COUNTRY BUILDERS PTY LTD	J N WOODS & HOUSING AUTHORITY	DWELLING - UNCERTIFIED	30	Location 2174 Lot 273	DONALD DRIVE	MCKAIL
120200	TURPS STEEL	B M ARMSTRONG & P J	SHED - UNCERTIFIED	36	Lot 359	COMET CORNER	MCKAIL
120222	FABRICATIONS SCOTT PARK HOMES	ARMSTRONG MORVEN RURAL	DWELLING -	18	Location 492 Lot 274	DORADO BEND	MCKAIL
120223	REALFORCE PTY LTD	DEVELOPMENTS PTY LTD THREE OF A KIND PTY LTD	UNCERTIFIED GROUPED DWELLING X 7	18	Location 399 Lot 631	TRIO CRESCENT	MCKAIL
120176	ROBERT BRUCE	LTD L M & R B JACKSON	WAREHOUSE ADDITIONS	21	Location 384 Lot 131	CHARLES STREET	MILPARA
120127	JACKSON KOSTERS STEEL CONSTRUCTION PTY LTD	S J SCHMIDT	CERTIFIED PATIO - UNCERTIFIED	21	Lot 16	BATHURST STREET	MIRA MAR
302138	CREATION HOMES	Owner's Name and address	NEW DWELLING	1	Lot 3	WOOLCOTT STREET	MT CLARENCE
302139	CREATION HOMES	<i>not shown at their request</i> Owner's Name and address	NEW DWELLING	1A	Lot 4	WOOLCOTT STREET	MT CLARENCE
120109	P OWEN	<i>not shown at their request</i> G E BIRDSEYE & K L	ALTERATIONS AND ADDITIONS	7	Location SL113 Lot 75	HALIFAX STREET	MT MELVILLE
120143	DAVID BOJUN	COUPER DJ MILBOURNE	PATIO - UNCERTIFIED	18	Lot 4	ANGUS STREET	MT MELVILLE
120236	JOHN KINNEAR	S & R MCKINVEN	OCCUPANCY FOR STRATA	241A	Lot 2	ALBANY HIGHWAY	MT MELVILLE
120228	M & A STEEL	B & J FRIEND	SHED - UNCERTIFIED		Lot 150	TAKENUP ROAD	NAPIER
302086	FABRICATION WILLIAM BRUFF	Owner's Name and address	ALTERATIONS AND	7	Location 384 Lot 55	CHESTER PASS ROAD	ORANA
120172	OUTDOOR WORLD	<i>not shown at their request</i> S I HARRISON	ADDITIONS PATIO - UNCERTIFIED	69B	Lot 2	SIERRA CRESCENT	ORANA

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120183	RANBUILD GREAT SOUTHERN	J B WISEMAN	SHED - UNCERTIFIED	23	Lot 110	CANNING STREET	ORANA
120204	KOSTERS STEEL CONSTRUCTION PTY LTD	J C & M F CRANNAGE	PATIO - UNCERTIFIED	6	Lot 28	SIERRA CRESCENT	ORANA
120158	KOSTERS STEEL CONSTRUCTION PTY LTD	C & A BERGSMAN	PATIO - UNCERTIFIED	82	Location 229 Lot 172	MCKAIL STREET	ORANA
120050	BJ NEWBOLD	B J NEWBOLD	NEW DWELLING SHED GARAGE SWIMMING	5	Location 33 Lot 6	HARDING ROAD	ROBINSON
120168	MALCOLM DOUGLAS WARBURTON	K N AIREY	POOL - UNCERTIFIED PATIO - UNCERTIFIED	99	Lot 21	ANGOVE ROAD	SPENCER PARK
120141	RYDE BUILDING COMPANY PTY LTD	A J STUBBINGS & L M SPRIGG & E A SPRIGG	NEW DWELLING - UNCERTIFIED	20A	Lot 2	GEAKE STREET	SPENCER PARK
120229	OUTDOOR WORLD	Owner's Name and address	PATIO - UNCERTIFIED	5	Location PL43 Lot 129	COOTE CLOSE	SPENCER PARK
302044	CREATION HOMES	not shown at their request CITY OF ALBANY (VESTED CROWN LAND) & TOR	TOILET BLOCK		Location RES	HUNWICK SOUTH ROAD	TORBAY
120167	MALCOLM DOUGLAS WARBURTON	K STEPHENS & I HASLIE	PATIO & CARPORT - UNCERTIFIED	32	Lot 244 Location 474 Lot 89	MARCONI ROAD	YAKAMIA

CITY OF ALBANY

REPORT

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

1. The attached report shows Planning Scheme Consents issued under delegation by a planning officer for the month of July 2012.
2. Within the period there was a total of twenty three (23) decisions made on active Planning Scheme Consents ;
 - Nineteen (19) Planning Scheme Consents were approved under delegated authority;
 - Three (3) Planning Scheme Consents were approved; and
 - One (1) Planning Scheme Consent was cancelled.



Jessica Davidson
Administration Officer – Planning

PLANNING SCHEME CONSENTS ISSUED UNDER DELEGATED AUTHORITY

Applications determined for July 2012

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2120142	9/07/2012	H&H Architects	Stirling Terrace	Albany	Retaining Wall and Electrical Transformer (earthworks in excess of 600mm)	Delegate Approved	10/07/2012	Adrian Nicoll
P2120102	22/05/2012	DL Pyle & GL Hitchcock	Berliner Street	Bayonet Head	Single House (Design Codes Relaxation and Policy Relaxation)	Approved	24/07/2012	Tom Wenbourne
P2120124	19/06/2012	R Holmes	Ashford Street	Centennial Park	Builder's Yard - Additions (Disabled toilet block)	Delegate Approved	13/07/2012	Deb Delury
P2120148	18/07/2012	Allering And Associates	Albany Highway	Centennial Park	Change Of Use - Vehicle Repair Station and Vehicle Sales	Delegate Approved	30/07/2012	Taylor Gunn
P2120153	20/07/2012	R Roger	Sanford Road	Centennial Park	Service Industry (Washing Machine Storage & Repairs)	Delegate Approved	27/07/2012	Taylor Gunn
P2120107	7/06/2012	D Russell	Swarbrick Street	Emu Point	Warehouse - Light Industry (Boat Repair & Maintenance)	Delegate Approved	3/07/2012	Taylor Gunn
P2120093	10/05/2012	G Bragg	Karrakatta Road	Goode Beach	Tourist Accommodation	Approved	25/07/2012	Jan Van Der Mescht
P2120119	18/06/2012	Benson Design	La Perouse Road	Goode Beach	Single House (Design Codes Relaxation)	Delegate Approved	13/07/2012	Deb Delury
P2120141	9/07/2012	Scout Association Of Australia WA Sub Branch Stirling Dist	Norwood Road	King River	Private Club - Additions (Ablutions)	Delegate Approved	20/07/2012	Taylor Gunn
P2120123	19/06/2012	BC Myers	Opal Street	Little Grove	Single House	Approved	26/07/2012	Craig McMurtrie
P2120079	19/04/2012	H&H Architects	Koonwarra Close	Lower King	Single House - Additions (Design Codes Relaxation)	Delegate Approved	3/07/2012	Tom Wenbourne
P2120139	6/07/2012	Water Corporation	Shirley Street	Lower King	Development (Sewerage Infrastructure)	Delegate Approved	10/07/2012	Adrian Nicoll
P2120132	28/06/2012	BD Jackson	Lower Denmark Road	Lowlands	Single House	Delegate Approved	13/07/2012	Tom Wenbourne
P2120143	12/07/2012	FA Sept	Pfeiffer Road	Manypeaks	Grouped Dwelling x2	Delegate Approved	23/07/2012	Tom Wenbourne
P2120135	2/07/2012	Hammers Furniture	Merrifield Street	Milpara	Warehouse	Delegate Approved	20/07/2012	Taylor Gunn
P2120117	15/06/2012	WA Country Builders	Cockburn Road	Mira Mar	Grouped Dwellings x 12	Delegate Approved	20/07/2012	Tom Wenbourne
P2120130	27/06/2012	ME McSweeney	Beauchamp Street	Mira Mar	Home Occupation - Catering	Delegate Approved	30/07/2012	Taylor Gunn

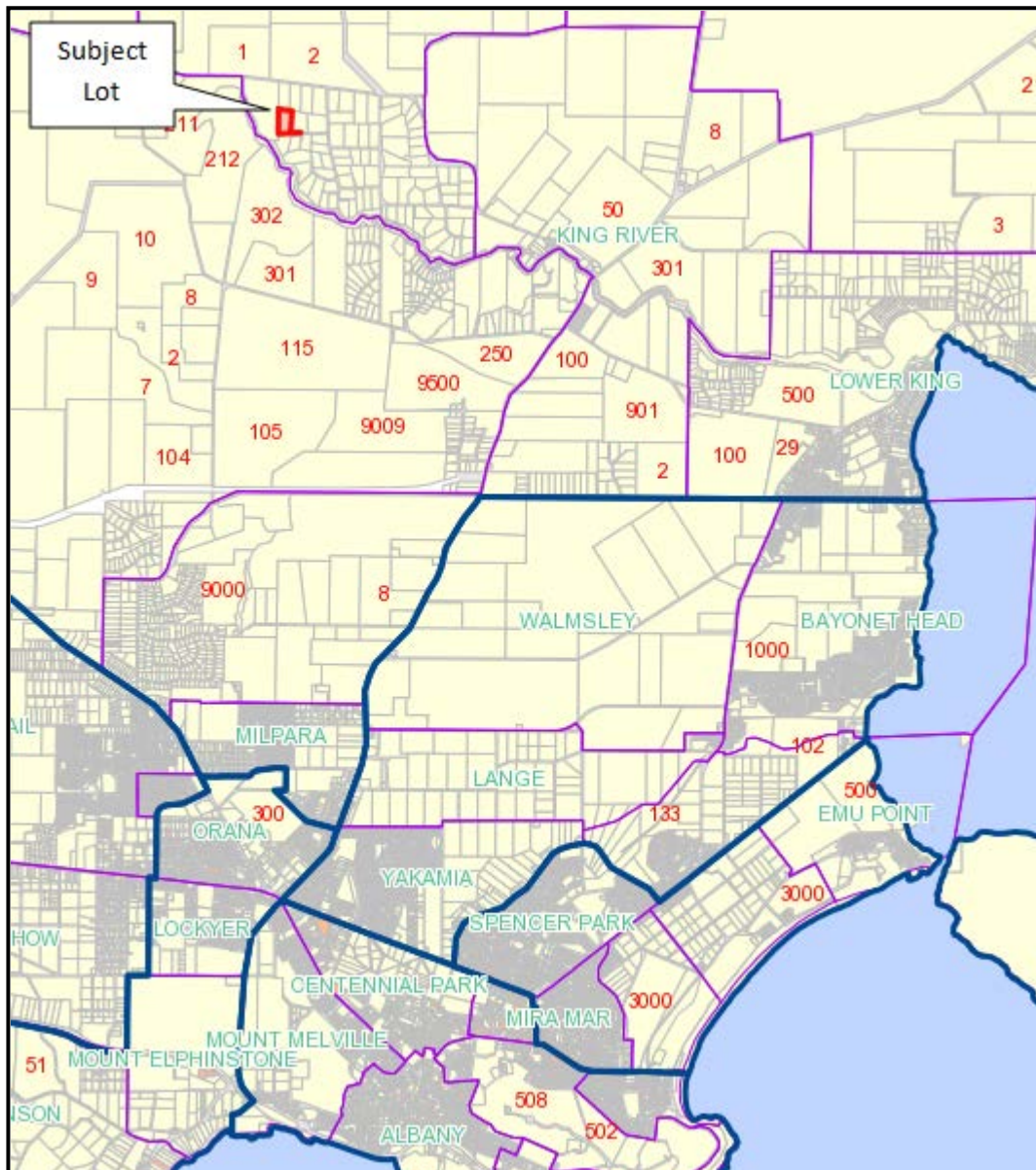
AGENDA ITEM 2.2 REFERS

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2120144	16/07/2012	R Taylor	Mt Clarence	Mt Clarence	Development - Infrastructure (Disabled Access Walkway)	Delegate	30/07/2012	Tom Wenbourne
P2120009	20/01/2012	Department Of Housing And Works	Discovery Drive	Spencer Park	Use Not Listed - (Live in Job Placement Program for the Homeless)	Approved Cancelled	12/07/2012	Taylor Gunn
P2120106	6/06/2012	Powerhouse Architectural Drafting	Hardie Road	Spencer Park	Single House - Additions	Delegate Approved	9/07/2012	Tom Wenbourne
P2120136	4/07/2012	M Pocock	Hillman Street	Spencer Park	Single House	Delegate Approved	13/07/2012	Taylor Gunn
P2120137	4/07/2012	M Pocock	Hillman Street	Spencer Park	Single House	Delegate Approved	13/07/2012	Taylor Gunn
P2120131	28/06/2012	JD Bastiani	Hunwick Road	Youngs Siding	Development (earthworks in excess of 600mm)	Delegate Approved	13/07/2012	Deb Delury

**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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

- 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.**

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Bostock

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) 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.*
 - b) 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:

TABLE 1: OUTBUILDING SPECIFICATIONS			
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 ²

13. The total outbuilding floor area at the subject property amounts to 244m², which is 4m² over the City’s Outbuilding Policy maximum floor area limit (240m²) 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 16m² and 120m² in area, which amounts to a total of 136m². The unapproved outbuilding is 108m² (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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

Consulted References	:	Council's Outbuilding's Policy Town Planning Scheme No. 3
File Number (Name of Ward)	:	A54837 (Kalgan Ward)
Previous Reference	:	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 29th 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

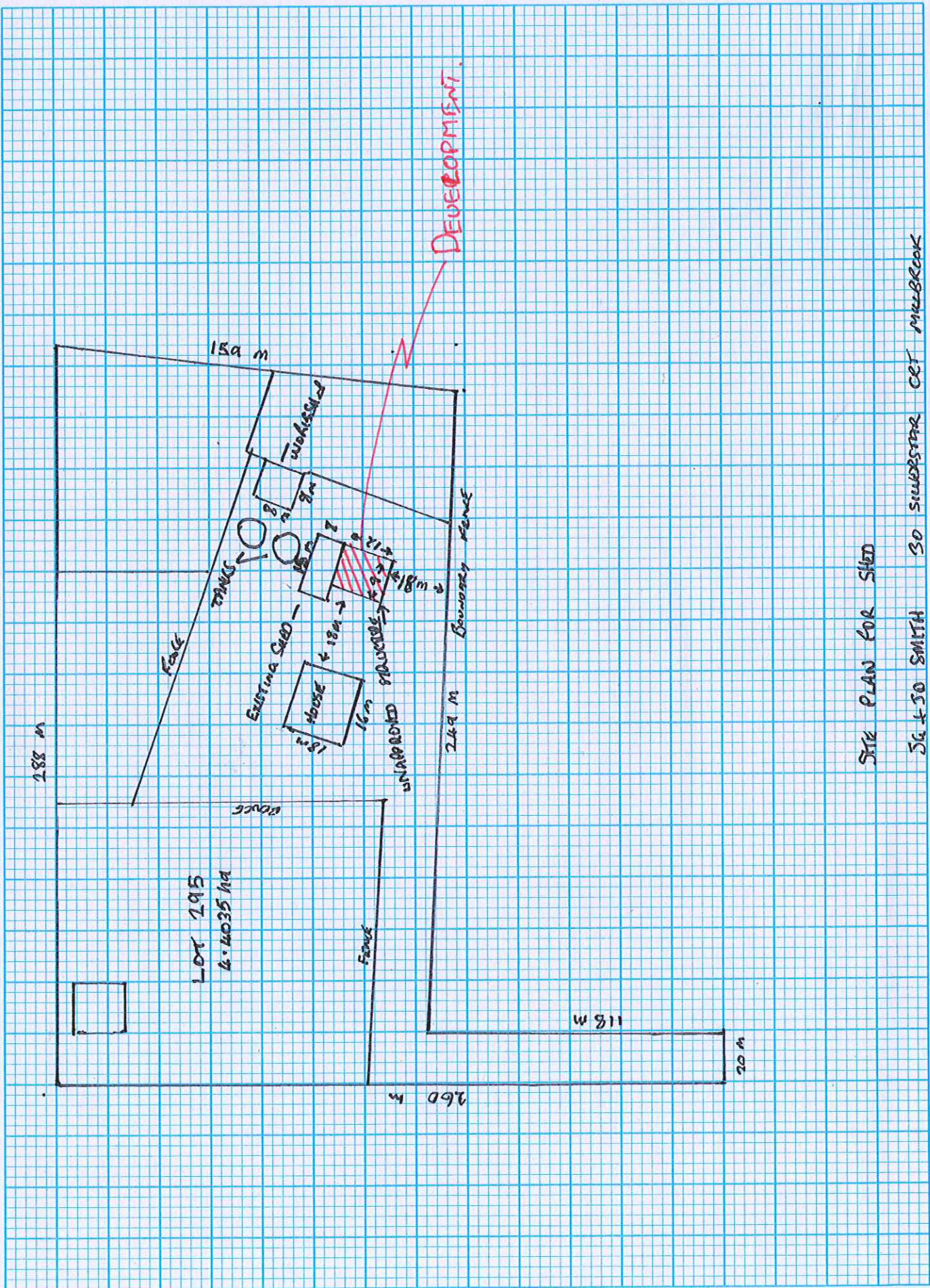
The CANOPY - CARPORT is shown on a Floor/Plan, Section, Elevation supplied by the owner, and further details have been added by the Engineer.

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



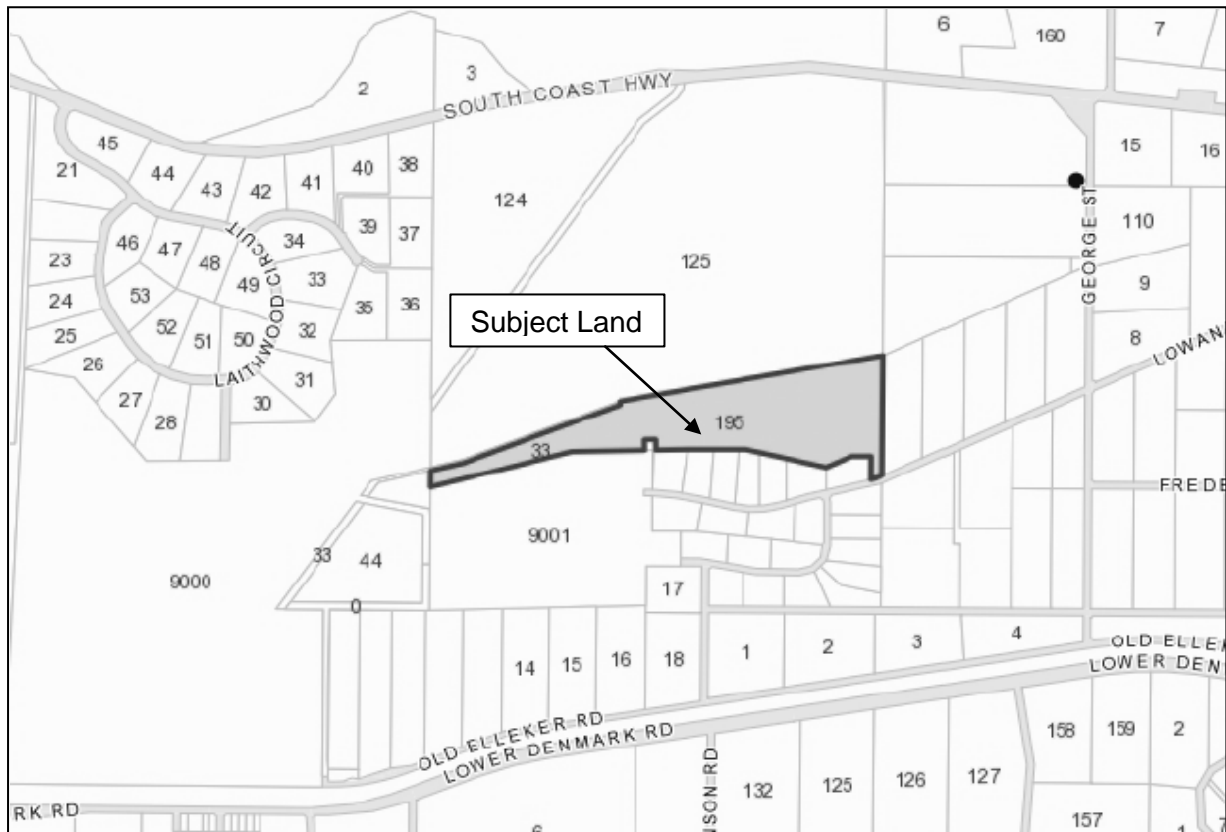
SITE PLAN FOR SHED

JG & JO SMITH 30 SUMMERS CRT MILLBROOK

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

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

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR GREGSON

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 240m².

- 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.

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Bostock and Hammond

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 horses 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:

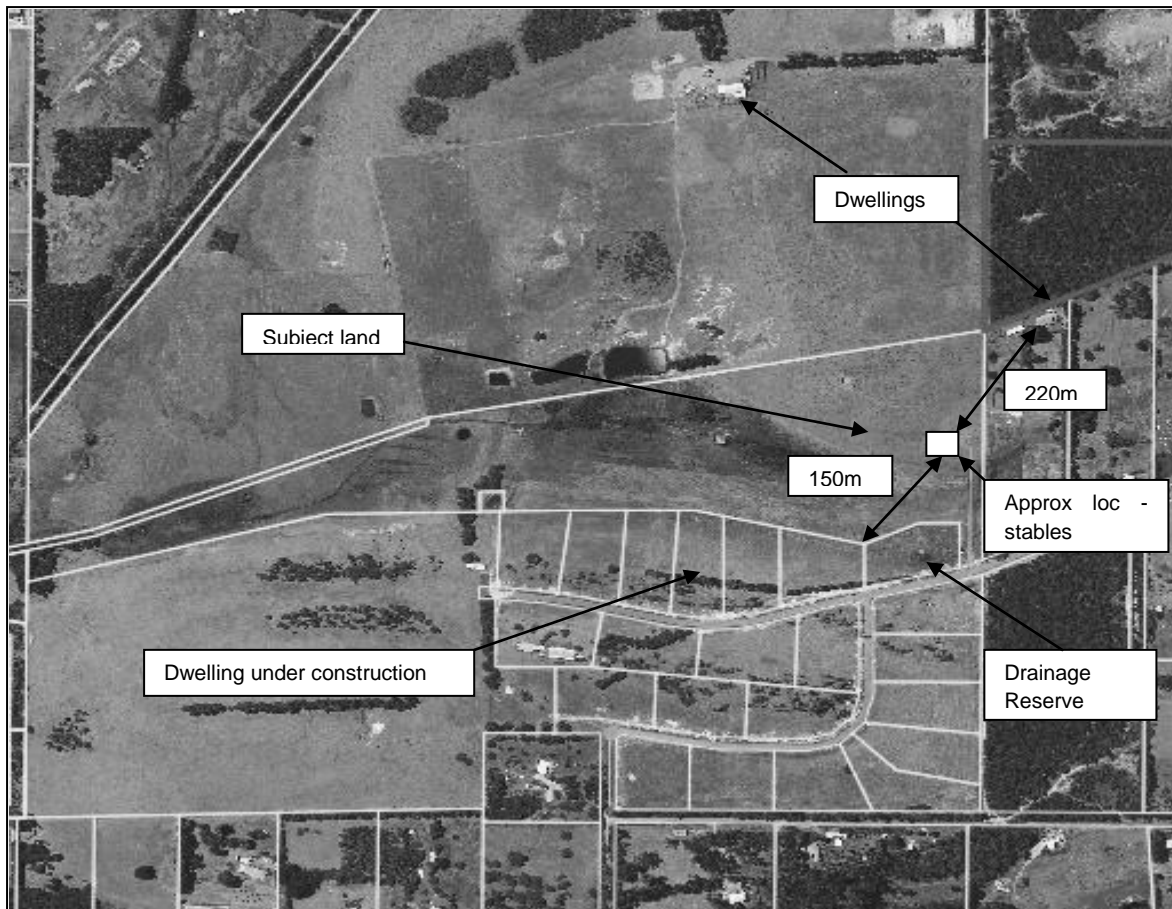
Opposing

- 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 240m2 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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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).

Consulted References	Council's Outbuildings Policy Town Planning Scheme No. 3
File Number (Name of Ward)	A221715 (West Ward)
Previous References	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

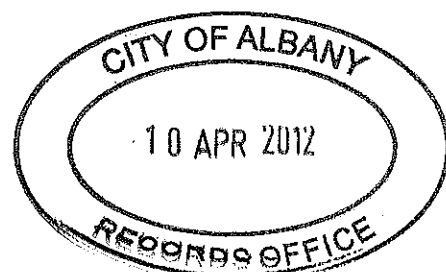
Attach:
Box:
Vol:
Box+Vol:

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

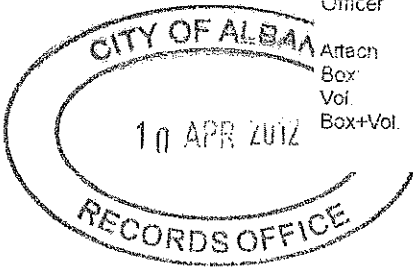
- Given that this particular block is largely sloping, it will require substantial siteworks to construct a level base for buildings to be erected. This also means that the proposed height of the buildings will be somewhat higher on the southern side, impacting on our line of sight.

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

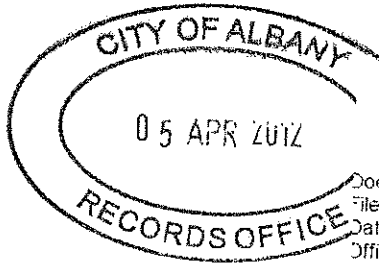
Please advise us on what you are going to do to make sure that none of these issues occur.

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).

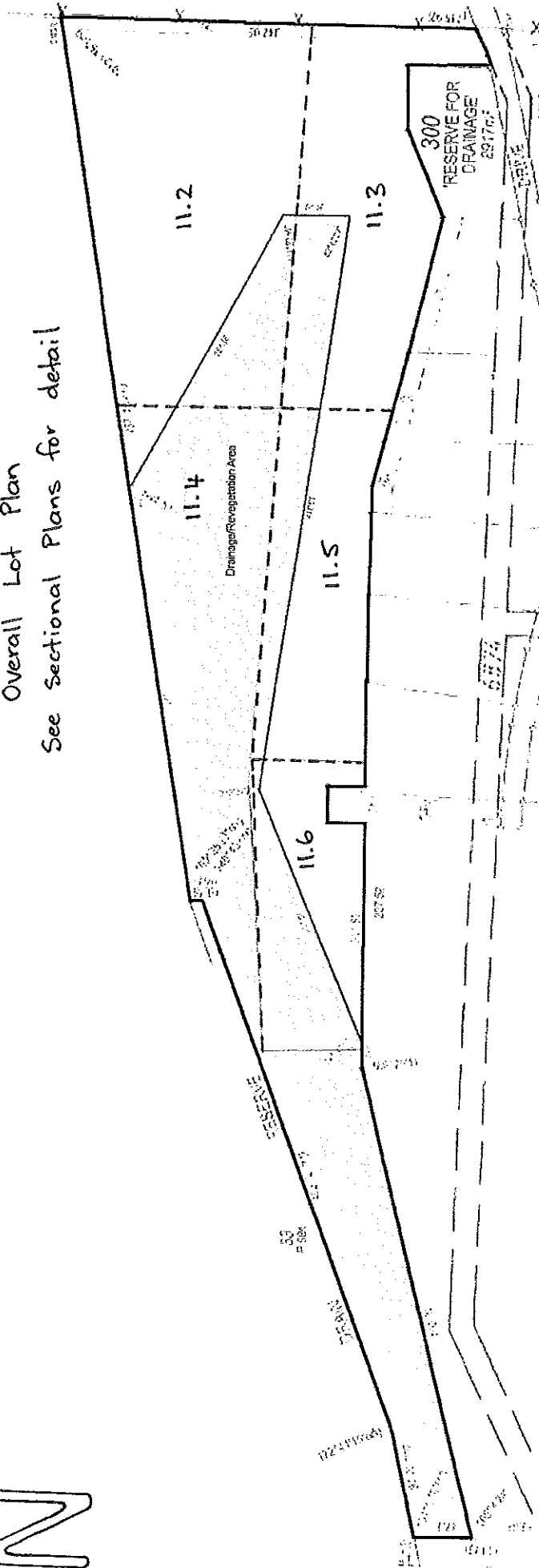
We thank you for your consideration towards our concerns in this matter.

Yours sincerely,

Lot 195 Lowanna Drive

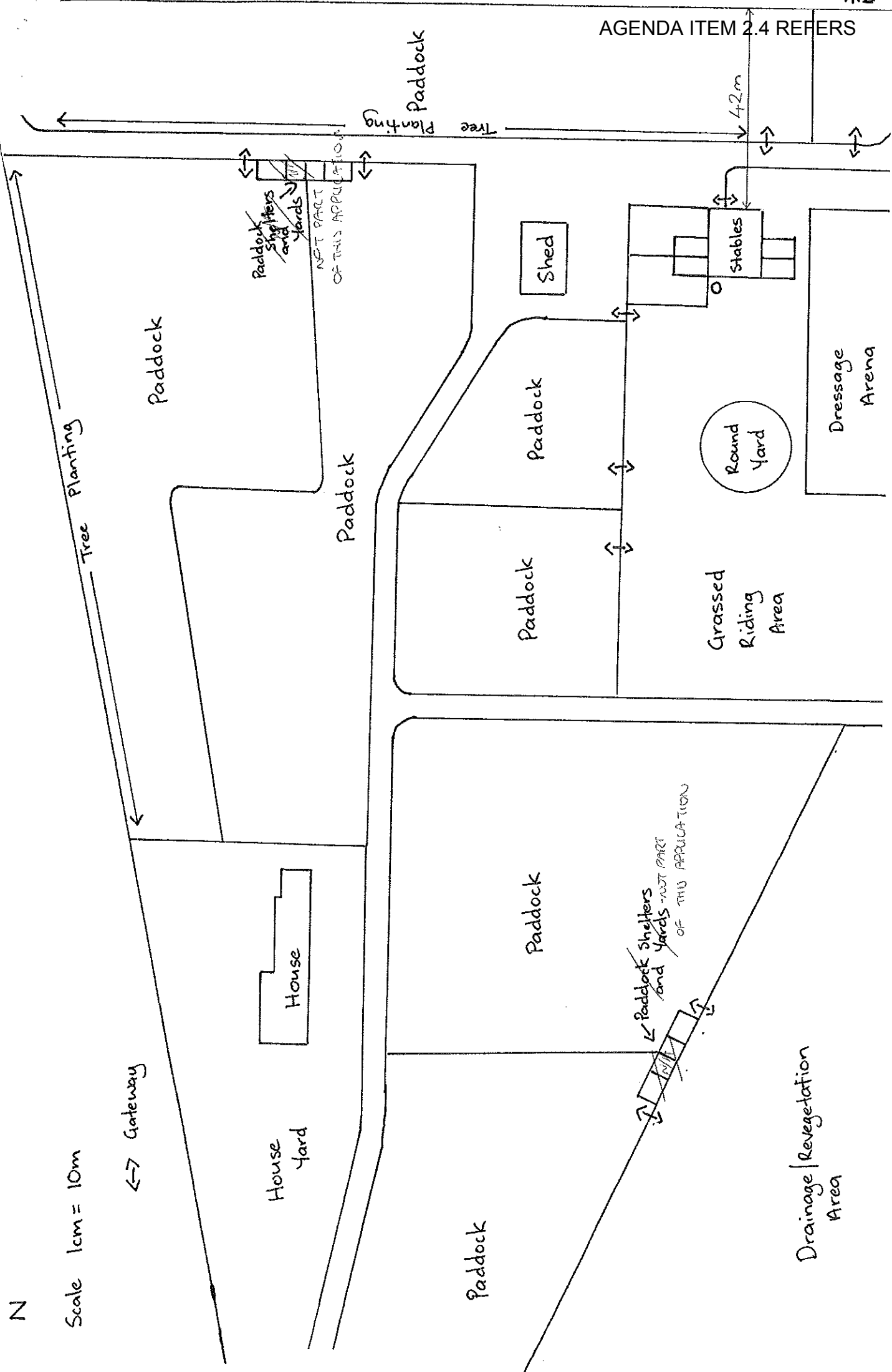
Overall Lot Plan

See Sectional Plans for detail



* Not to scale *

AGENDA ITEM 2.4 REFERS



N

Scale 1cm = 10m

↔ Gateway

House Yard

House

Paddock

Paddock

Paddock

Paddock

Paddock

Paddock

Tree Planting

Paddock

~~Paddock Shelters and Yards~~

NOT PART OF THIS APPLICATION

~~Paddock Shelters and Yards~~
NOT PART OF THIS APPLICATION

Drainage/Revegetation Area

Grassed Riding Area

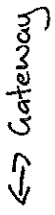
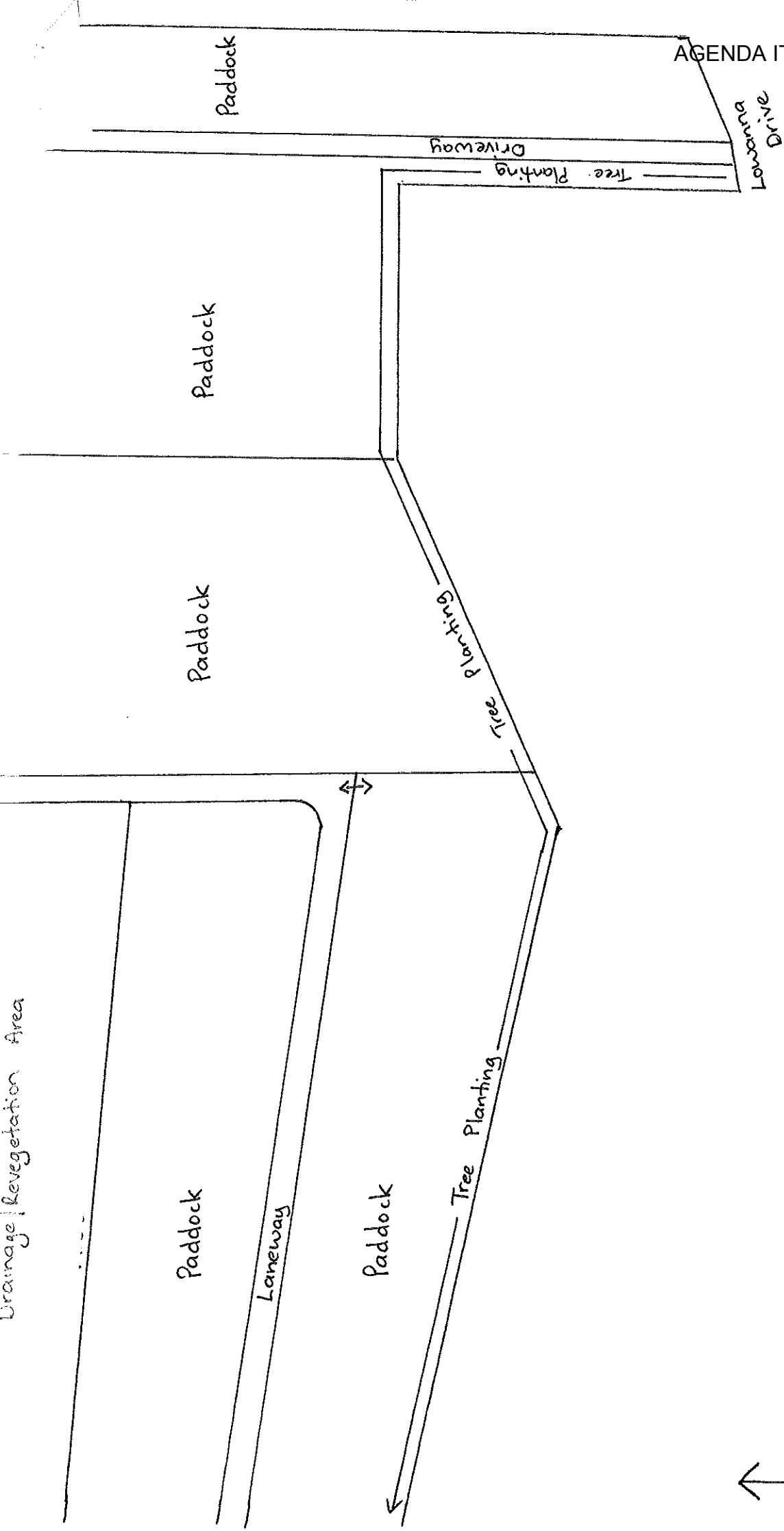
Round Yard

Dressage Arena

Stables

Shed

4.2m



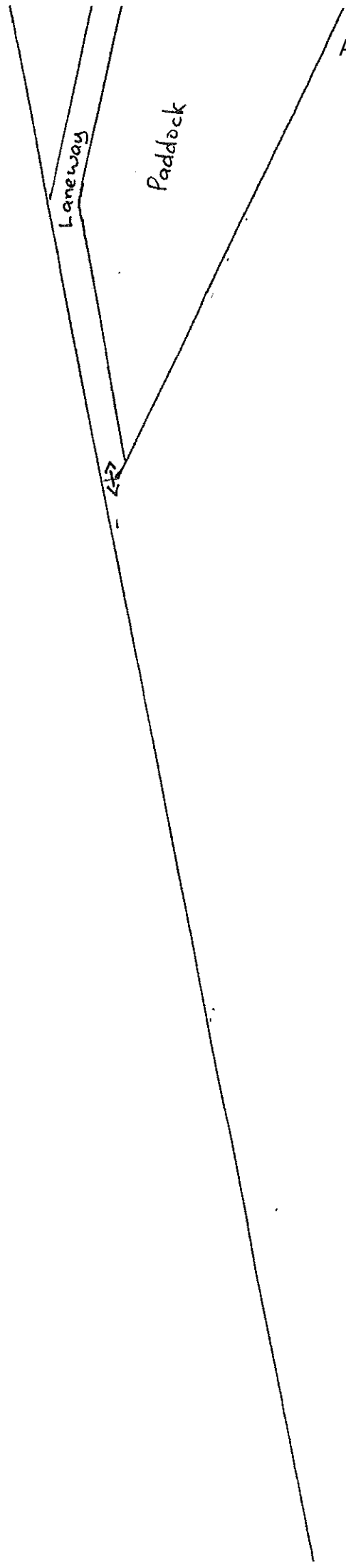
Scale 1cm = 10m

AGENDA ITEM 2.4 REFERS



Scale 1cm = 10m

↔ Gateway



Drainage / Revegetation Area

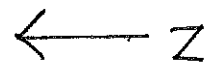
Drainage / Re-vegetation Area

Paddock

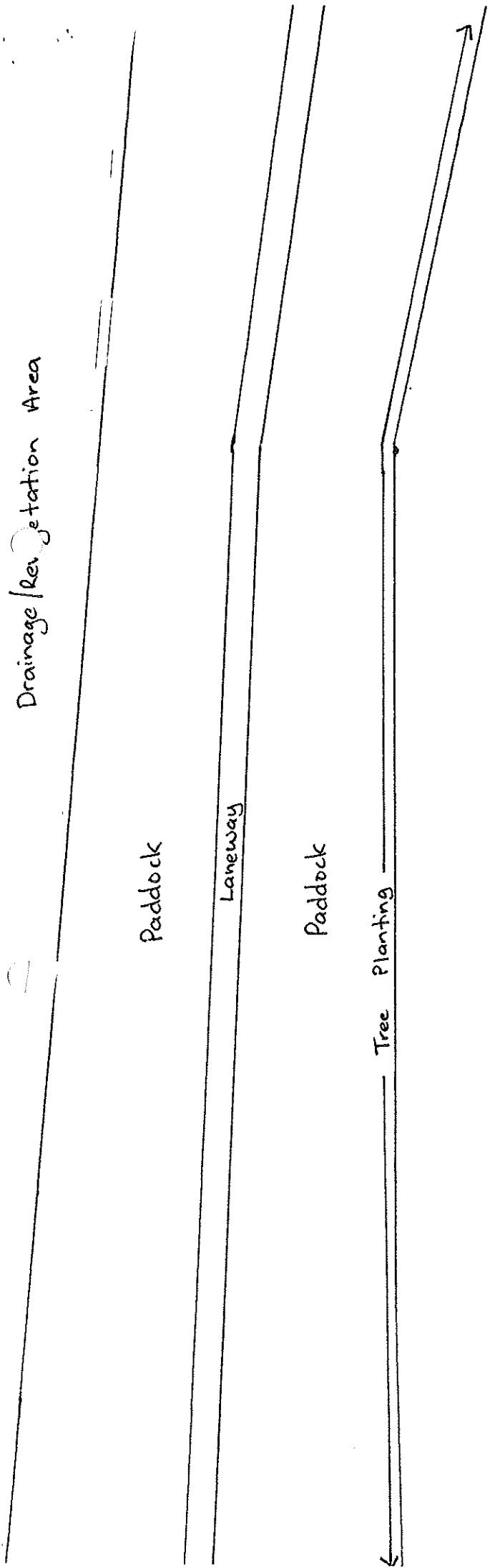
Laneway

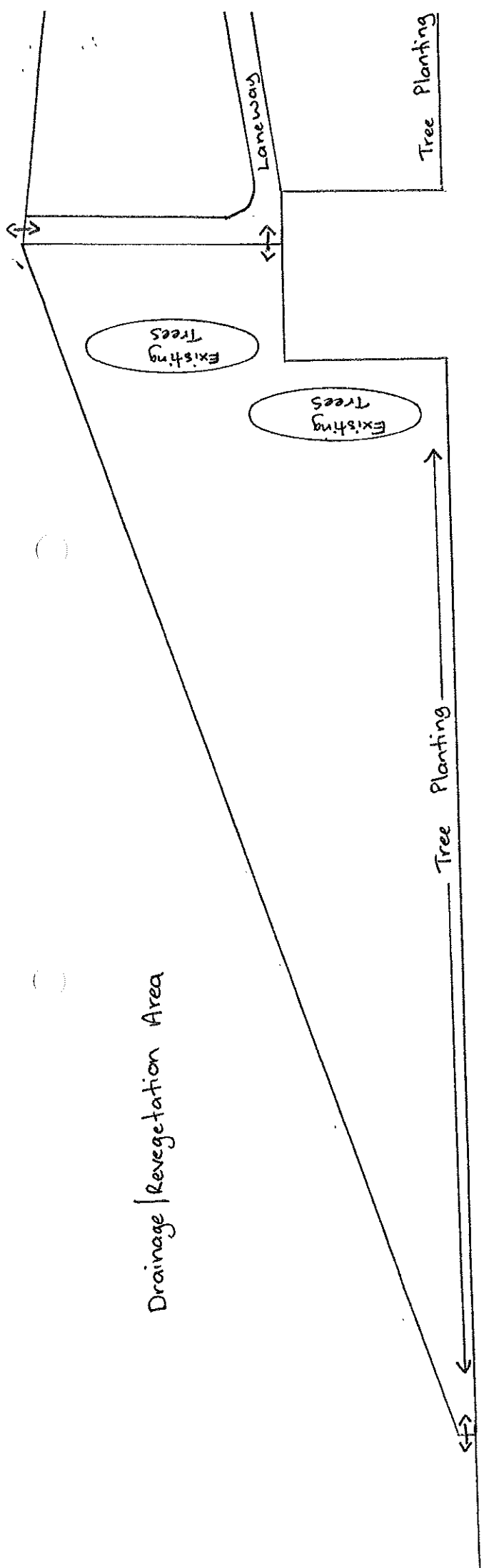
Paddock

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

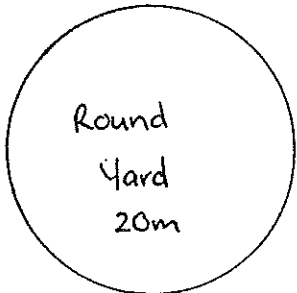
Small Paddock

Small Paddock

Yard

Yard

Car Parking Area



Round
Yard
20m

Water Tank

Stables
14m x 11.6m

Yard

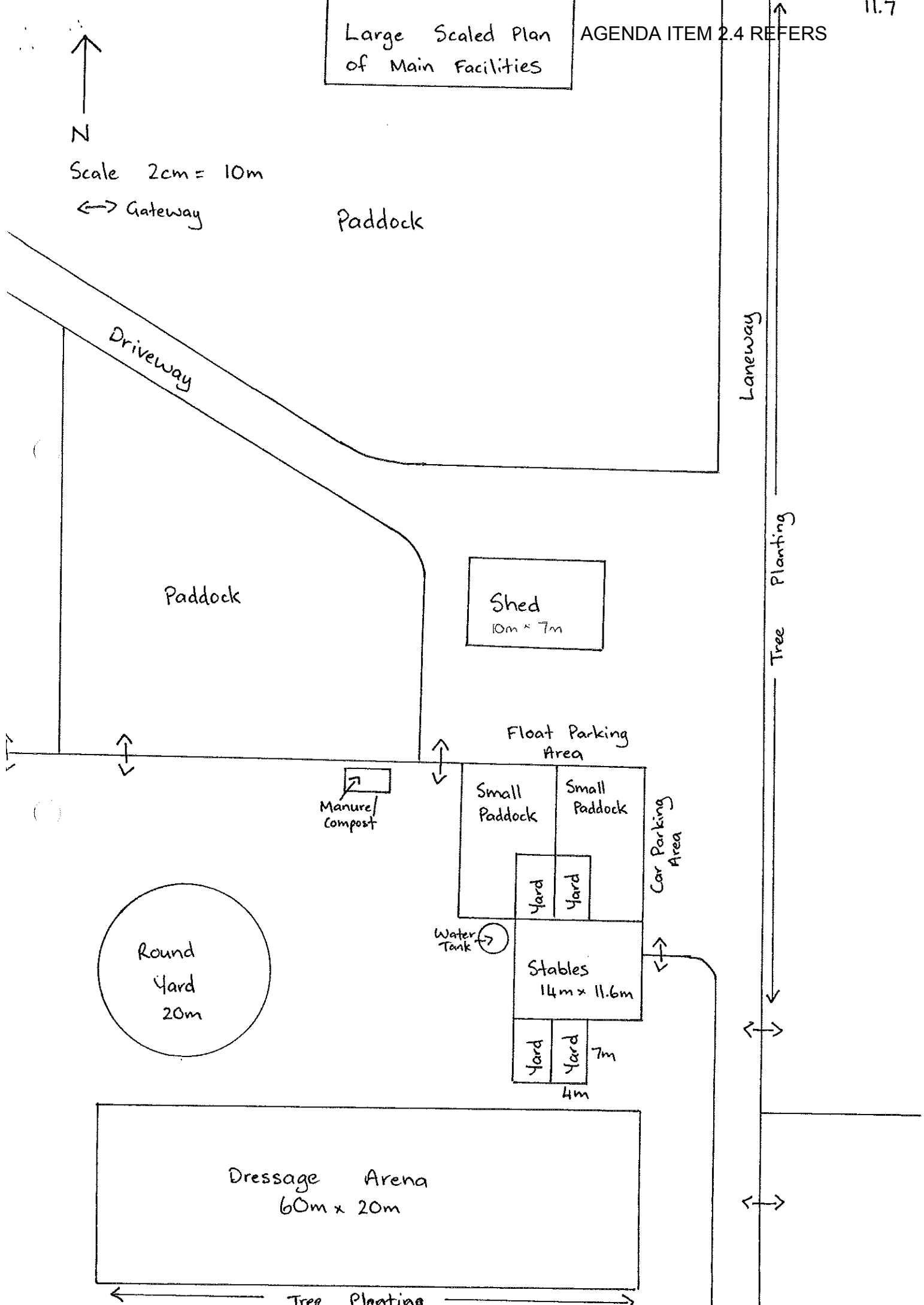
Yard

7m

4m

Dressage Arena
60m x 20m

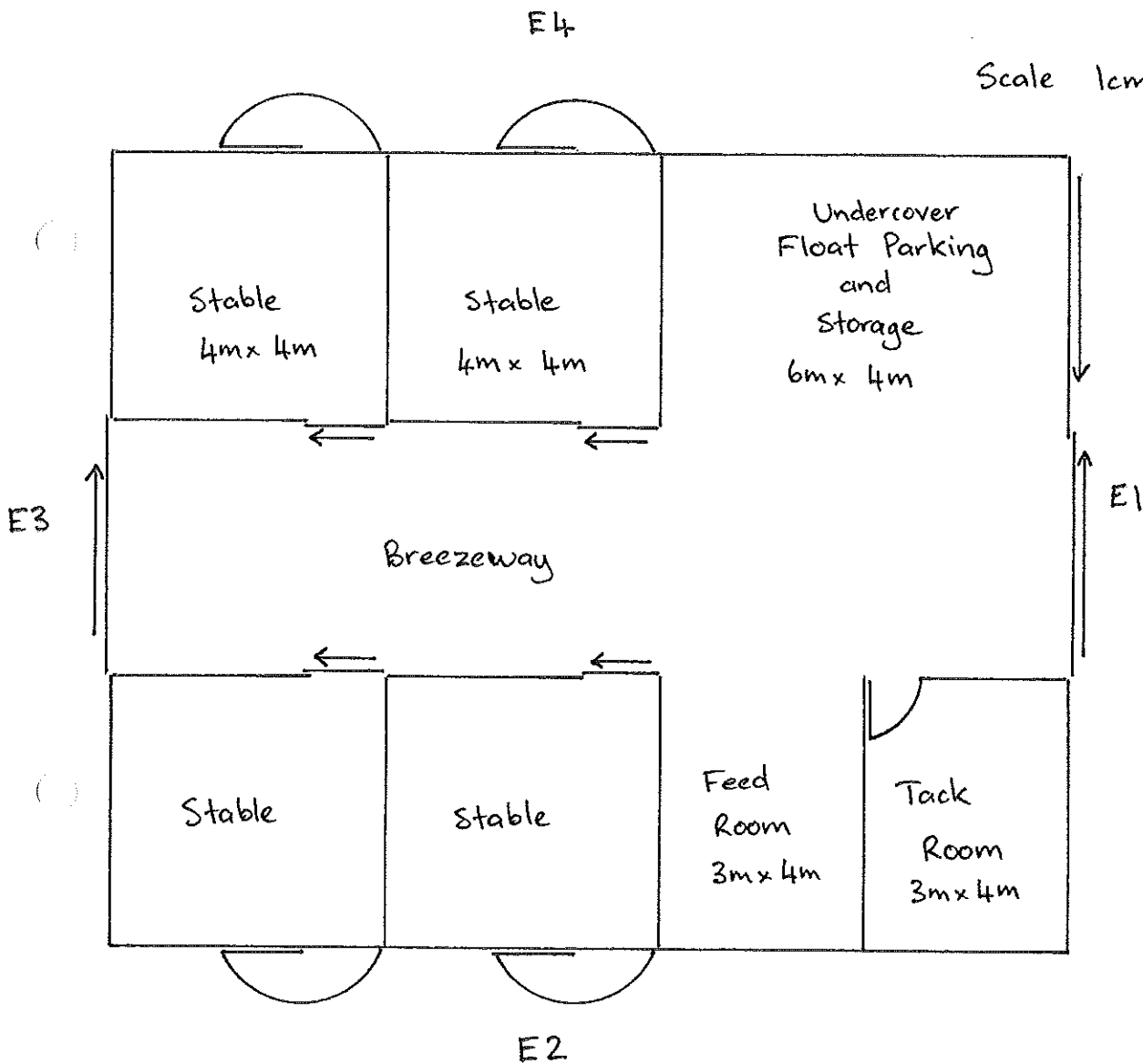
Tree Planting



Floor Plan - Stables

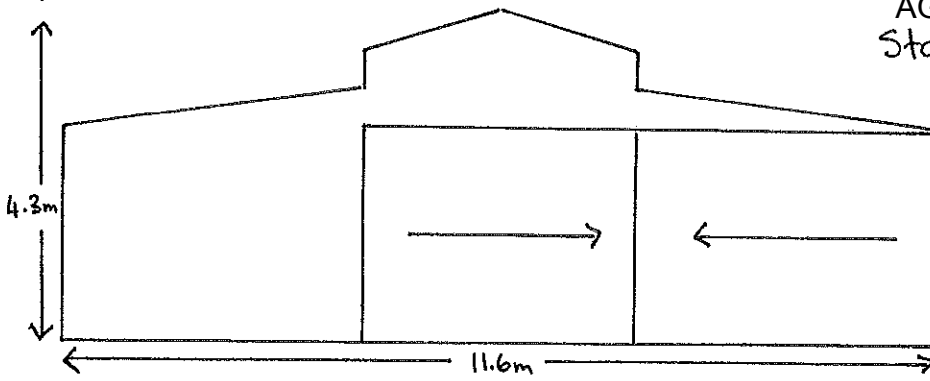
14m x 11.6m x 4.3m

Scale 1cm = 1m

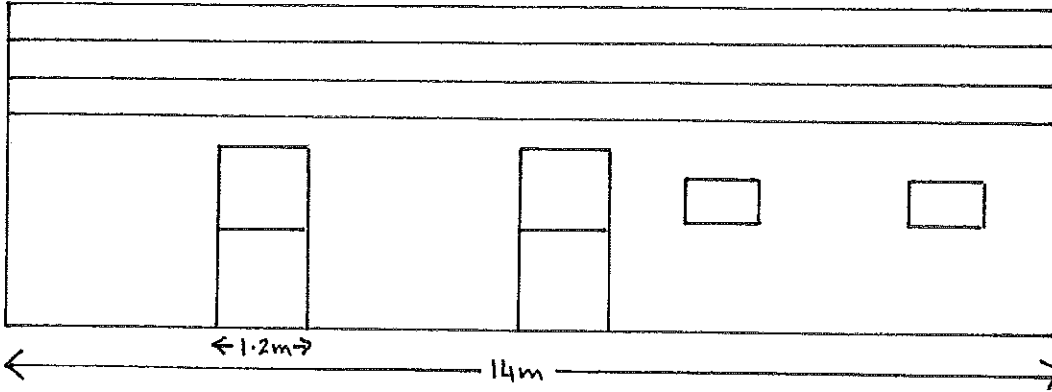


AGENDA ITEM 2.4 REFERS
Stables - Elevations

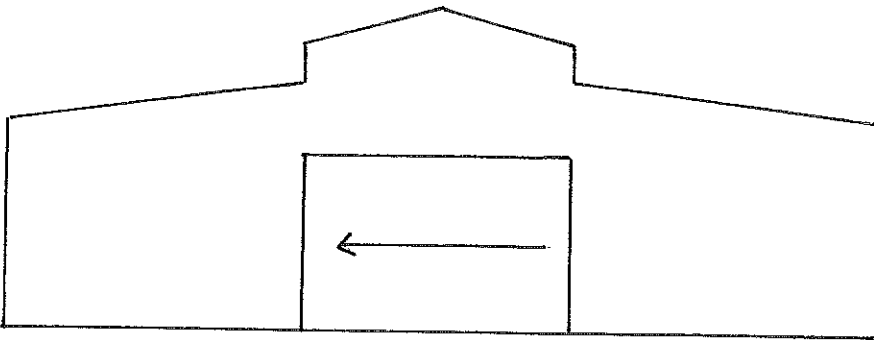
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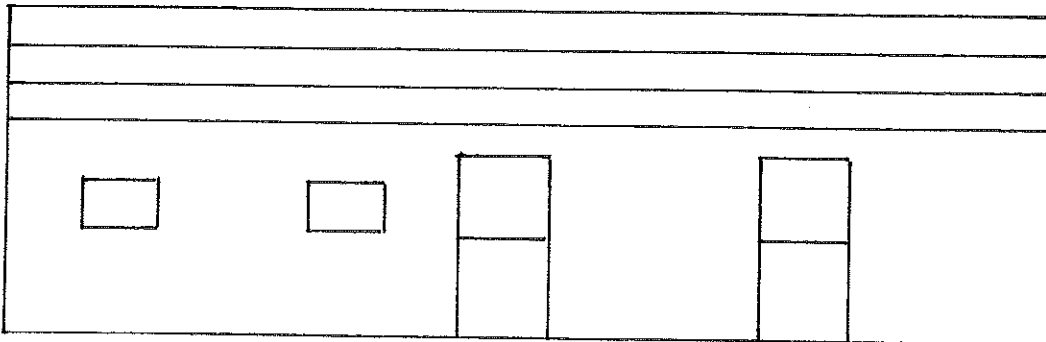
E1



E2



E3

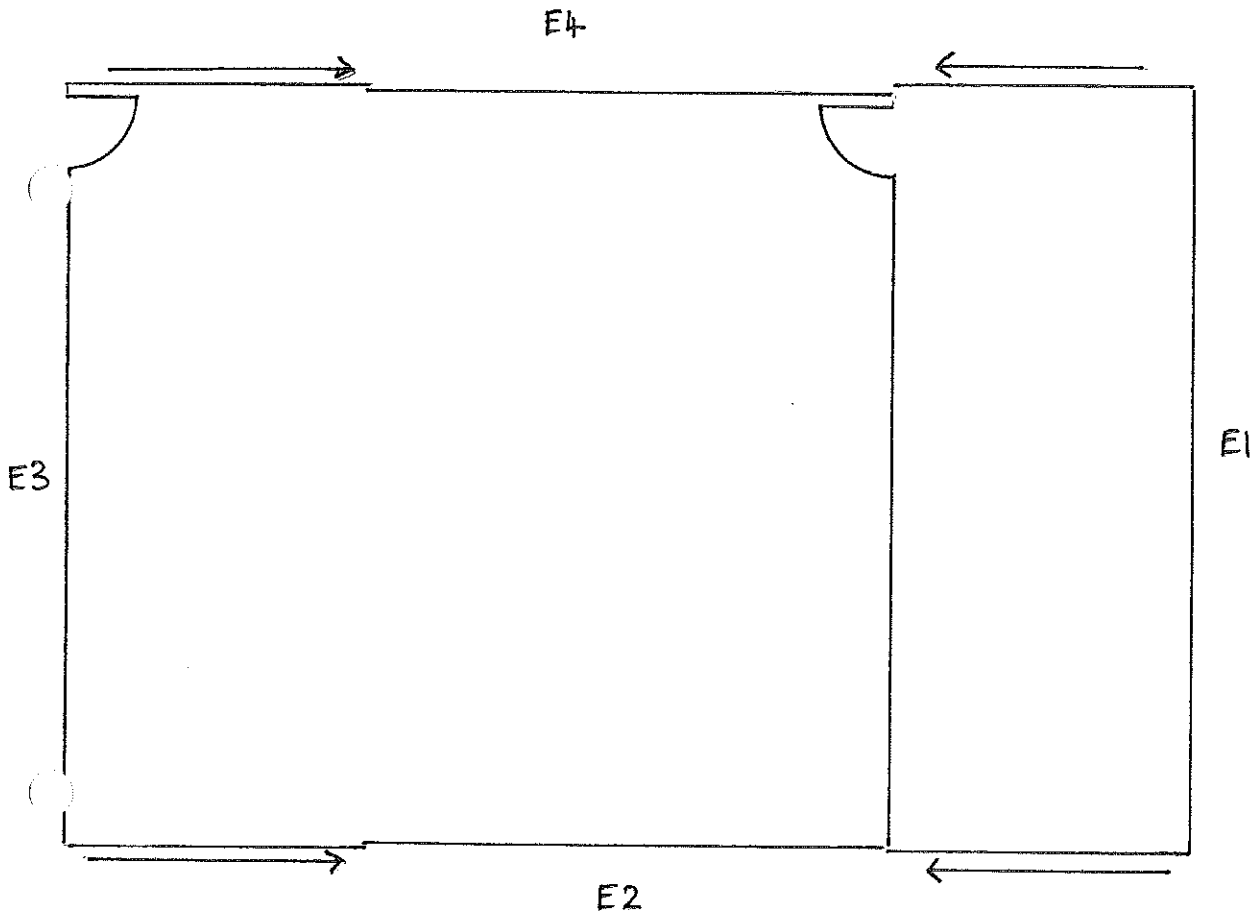


E4

Floor Plan - Shed

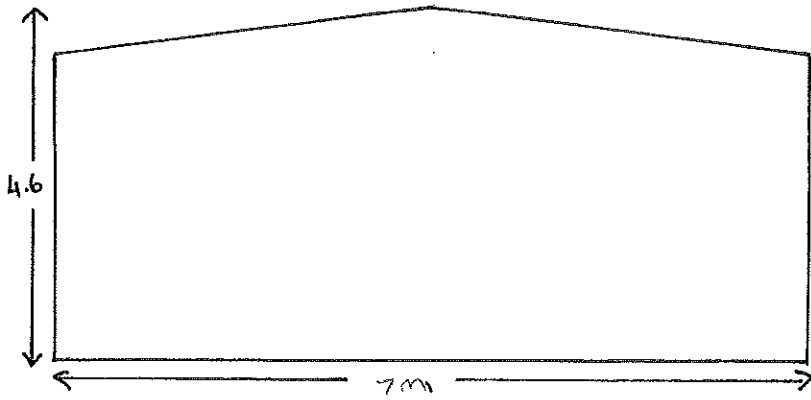
10m x 7m x 4.6m

Scale 1cm = 1m

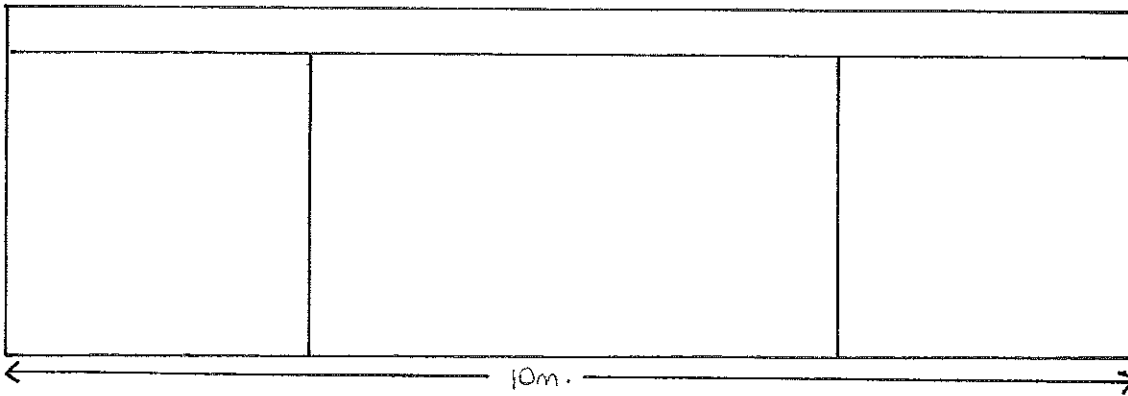


AGENDA ITEM 2.4 REFERS

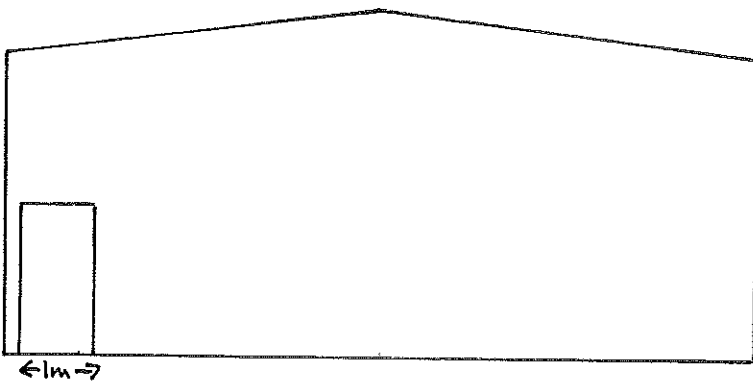
Shed - Elevations



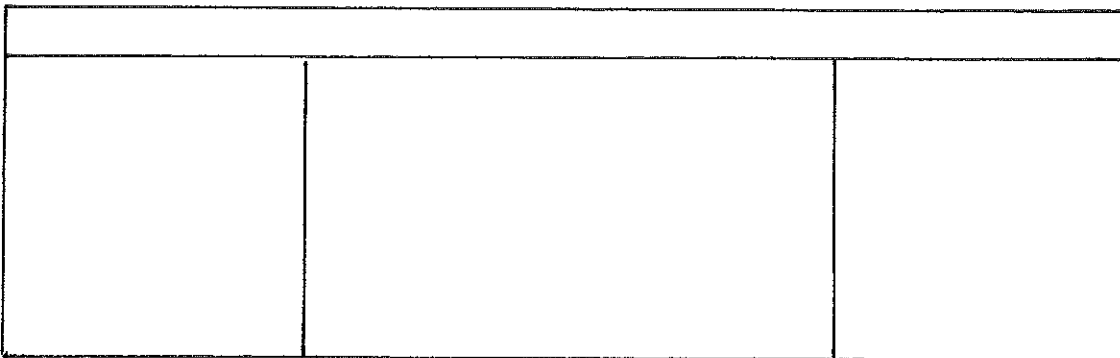
E1 Scale 1cm = 1m



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

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
Subject: 140 Lowanna Drive.



Taylor,



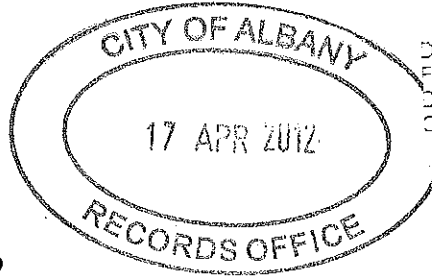
I have no issue with the proposal for development at 140
Lowanna Drive Gledhow.

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
Officer: 17 APR 2012
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

A handwritten signature in cursive script that reads "Bail".

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.

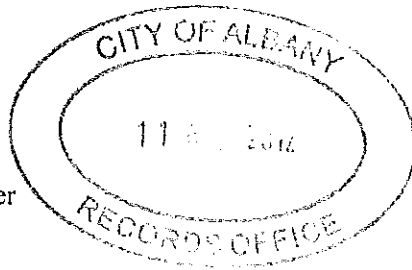
- Manure is to be composted as per “best practice” composting guidelines e.g. turning the pile frequently, preventing it from being too wet or too dry, having the right mix of raw materials etc
- The proposed initial stocking rate is 8 horses (or 80 DSE). Obviously this requires DAFWA approval, but with 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
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Officer
Sheet
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City of Albany Records
ICR1263117
DB.PSC 1
11 APR 2012
PLAN20

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.

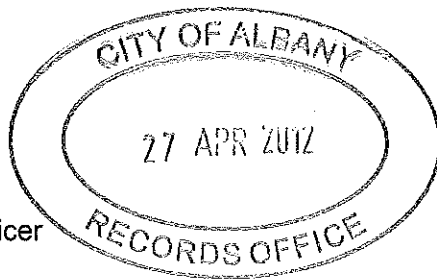
In essence the most disappointing aspect is that we purchased our land with what we considered to be a lovely rural peaceful outlook of sloping pastures. So much so the house we are designing is designed around the views obtained to our North. Being the closest block to the proposed structures, stables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



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

Attach:
 Box:
 Vol:
 Box+Vol:

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

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.

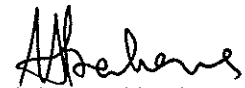
It would be preferable that any leachate from activities on site is contained and either disposed of *via* septic, sewer, controlled irrigation or transferred to an impervious evaporation pond. It is noted that the natural land contours on site would facilitate the surface drainage of water towards the 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*

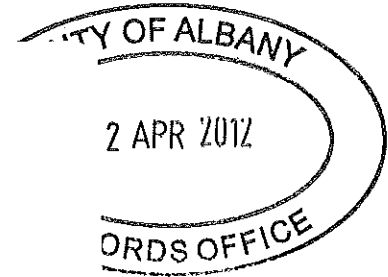


Your ref: A221715/PA37390/P2120039
Our ref: RF1553-03 / SRS 30914
Enquiries: Karen McKeough, Ph: 9841 0128

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

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

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

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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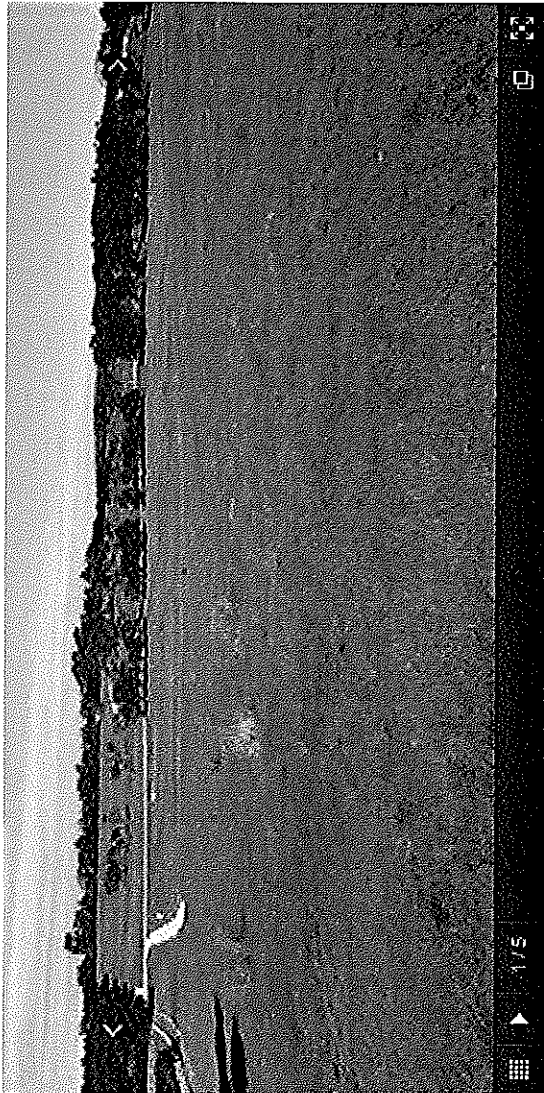
[open ▼](#)

[Comparison List](#)

[open ▼](#)

[Saved Inspections](#)

[open ▼](#)



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.

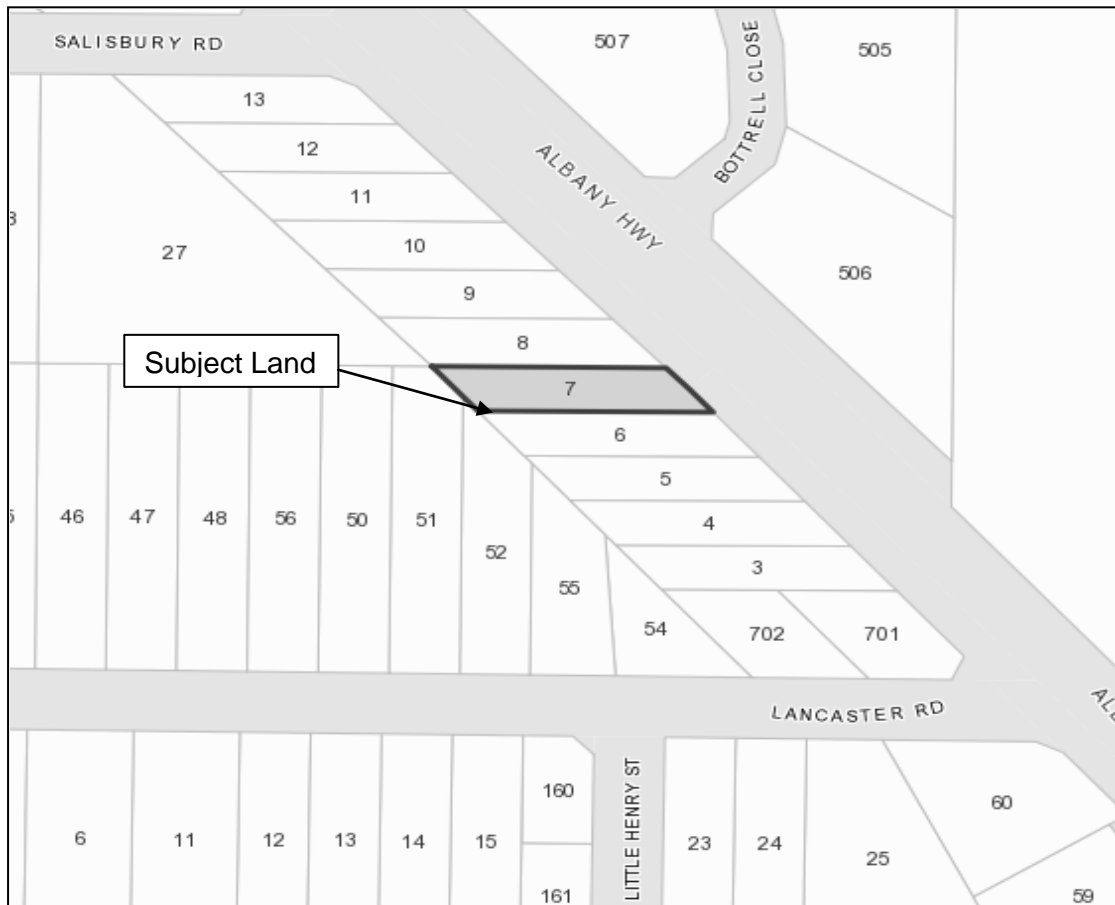
Property Details

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

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

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BOWLES

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.**

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Bostock

BACKGROUND

1. According to the City's records the subject site is 976m² 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 172m², even with the additional 54m² 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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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

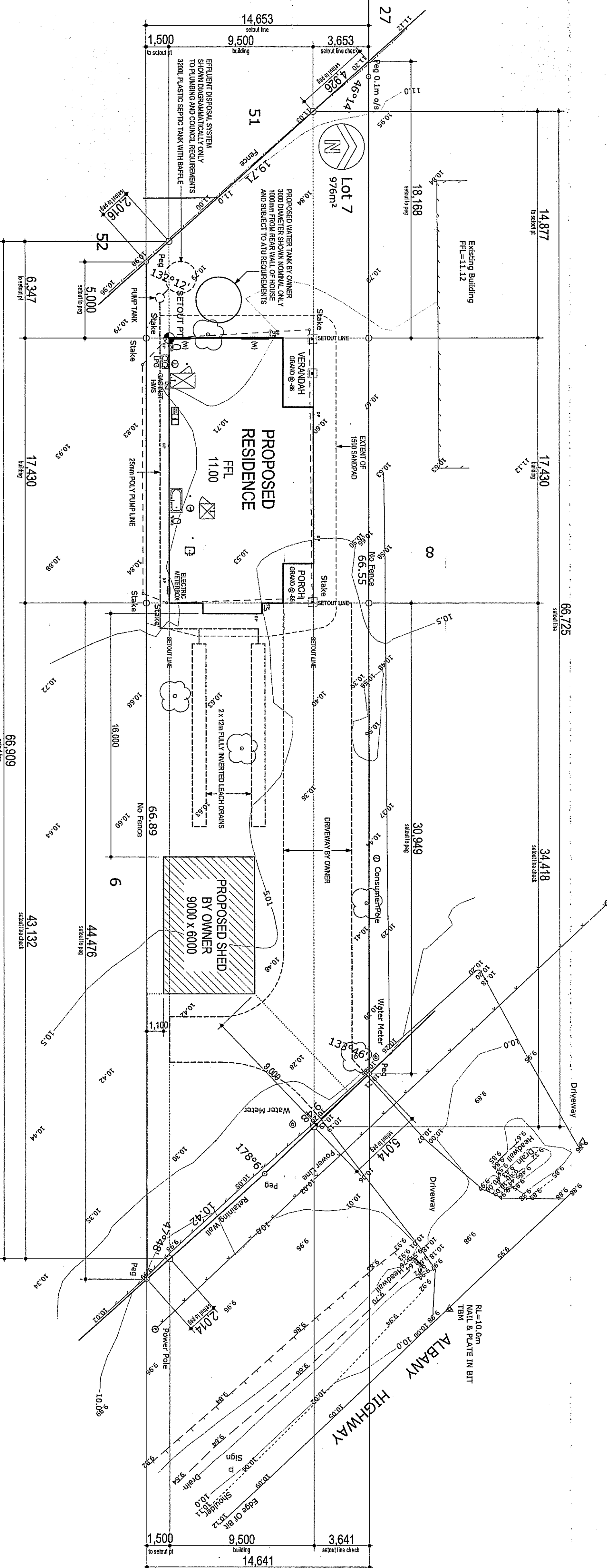
31. Council has the option to approve the application for Single House - (Side Setback Relaxation) at Lot 7 (577) Albany Highway, McKail.
32. The Assessing Officers Recommendation is to:ISSUE A Notice of Planning Scheme Refusal for Single House – (Side Setback Relaxation) at Lot 7 (577) Albany Highway, 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.

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

GRAND TOTAL	9.98
VERANDAH	5.23
PORCH	14.28
PAVING BY OWNER m ² (meas on final)	
DRIVE	173.93
	173.93



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 THE 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, 121, 85, 21 means a Peppermint Tree of trunk diameter 1.1m, height 12m, spread of 8m and 2 turns.

GREAT SOUTHERN COUNTRY BUILDERS
ALBANY
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

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

OWNER:
WITNESS:
OWNER:
WITNESS:
BUILDER:
WITNESS:

PROPOSED SINGLE STOREY DWELLING
FOR: **M J MERRIFIELD**

AT: **LOT 7 (#577)**
ALBANY HIGHWAY
ALBANY

SHEET CONTENT
SITE PLAN

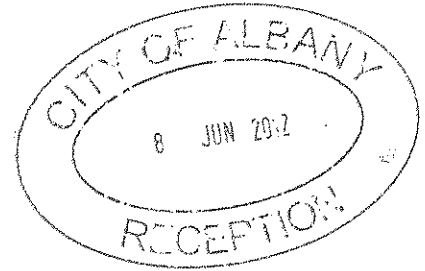
DWG STAGE: AS AT
WD-B: 28/01/2012
JOB N^o: 24969
HDD: 1088.1
SHEET N^o: 04 / 04

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 21st 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 ie:-

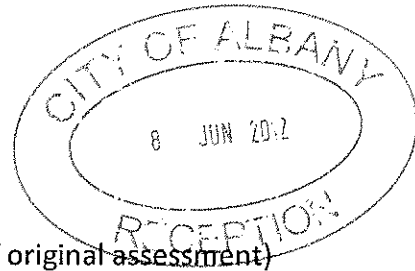
The South Eastern corner of the residence from the true / legal boundary line is **1037mm** to the external wall.

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 1.2m² 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 0.54m² may also encroach to within 600m.
- ❖ This Residence has non-combustible eaves linings (Fibre Cement Sheeting) non – combustible 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:-

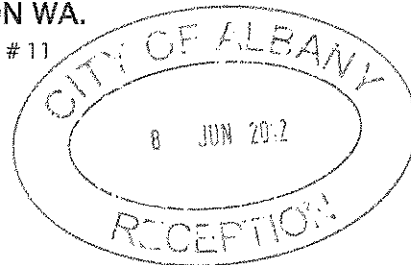
The side set back of 1500mm is no longer achieved as a result of the confusion over the 'mystery' building / boundary set out peg, so it is conceded that it is non-compliant.

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 0.73m² in area and is therefore not a major opening. That leaves two windows that are 'Major openings' the Kitchen window at 2.68m² and the Study at 2.2m².
- ❖ 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.

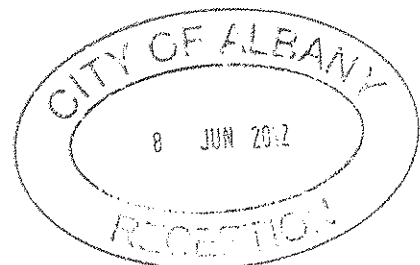
(Main living areas are 'North facing' and Bedroom 2 has it's window facing East).

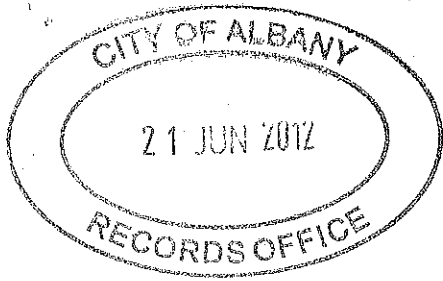
WACB will ensure that no services encroach into the adjoining lot.

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,

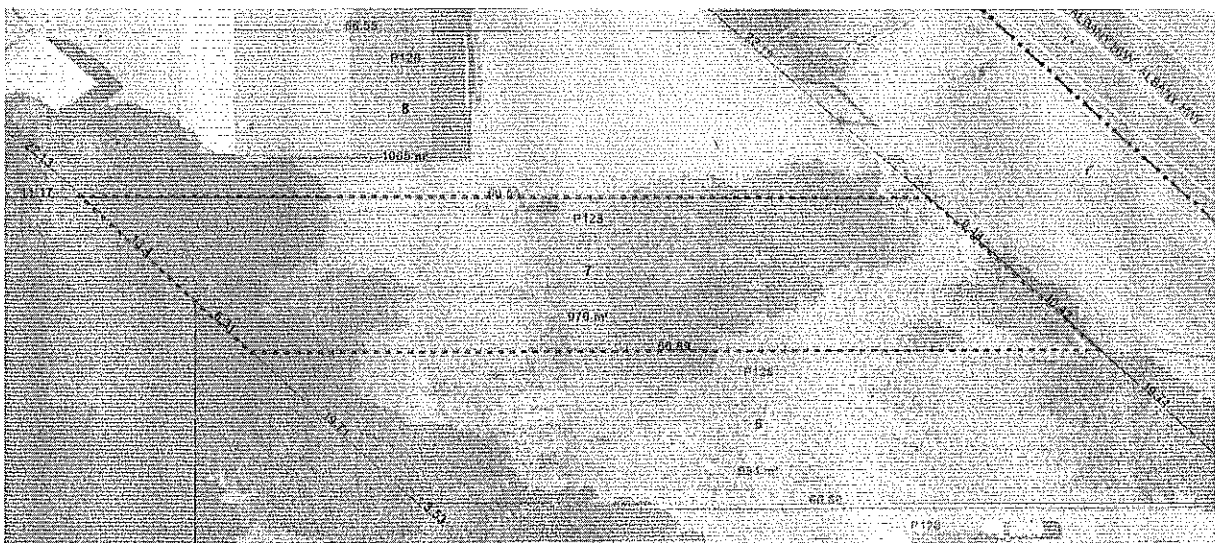
**PLANNING COMPLIANCE REPORT -
PROPOSED SINGLE HOUSE – LOT 7 (#577) ALBANY HIGHWAY, MCKAIL**

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 976m² 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.

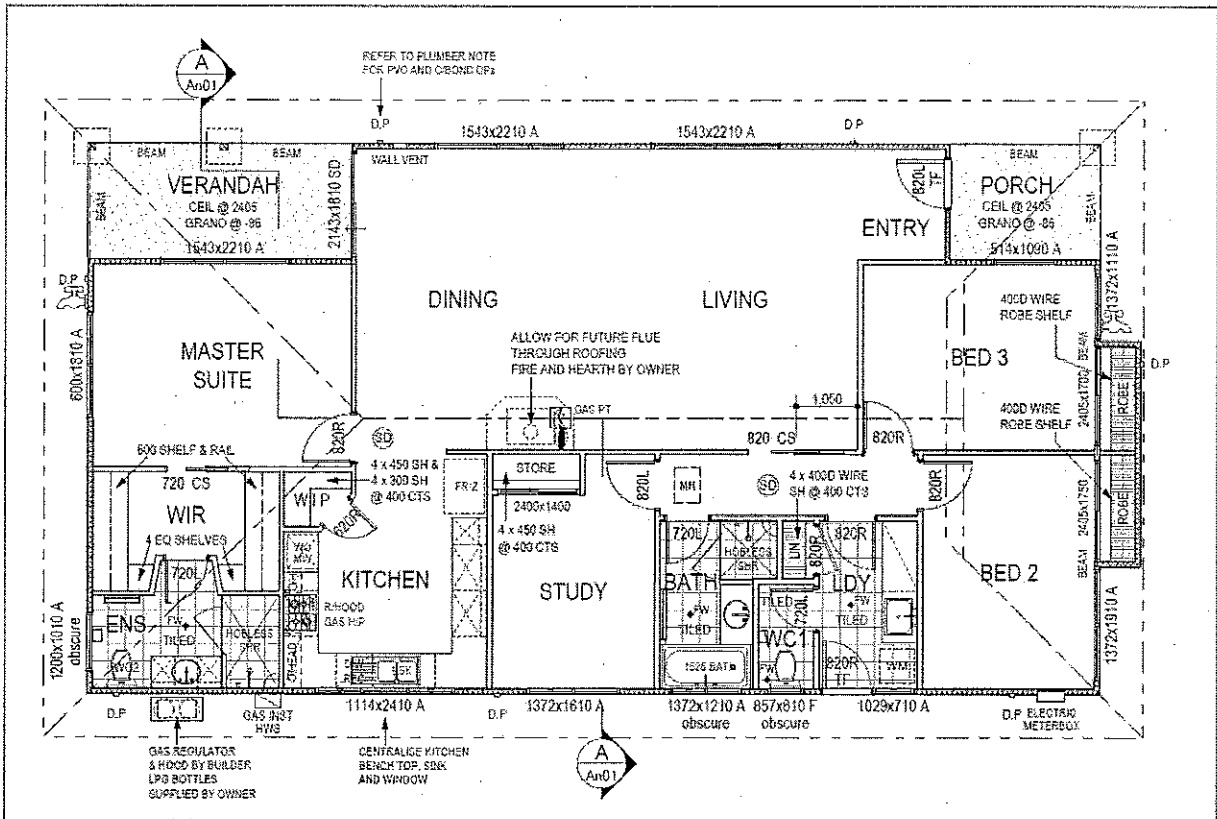


Subject Site edged in red, Italian Club and car park to north, undeveloped residential lot to the south

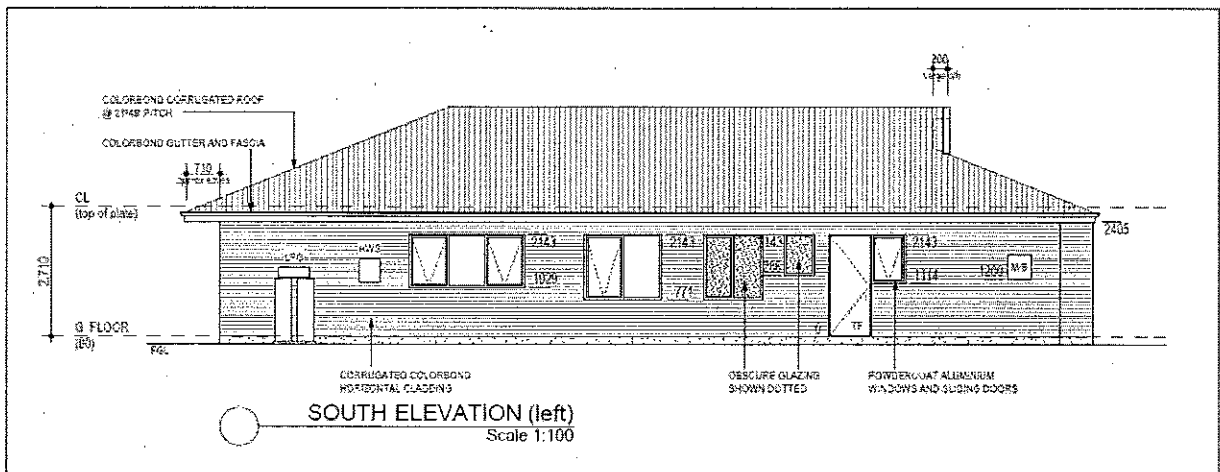
Background

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 172m², even with the additional 54m² 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

Calculation of Overshadowing

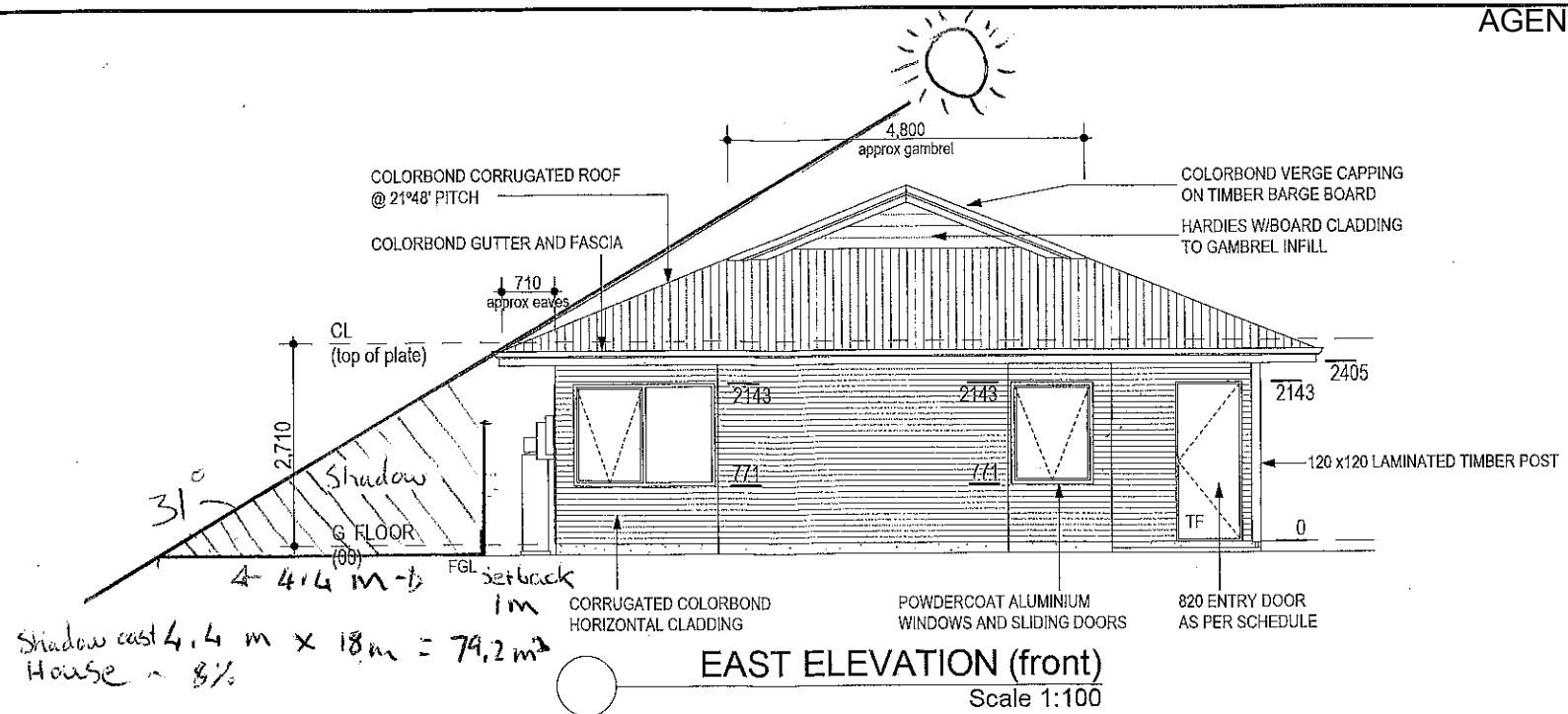
Property being overshadowed - 575 Albany Highway.

- House on 577 Albany Highway will cast a shadow over approximately 8% of 575 Albany Highway.

- House and proposed shed on 577 Albany Highway will cast a shadow over approximately 11% of 575 Albany Highway.

25% overshadowing of site area of an adjoining property is considered Acceptable in the R codes.

- Calculation prepared in accordance with element 6.9 of the R- codes by City of Albany Planning Staff based on information provided as part application P2120112



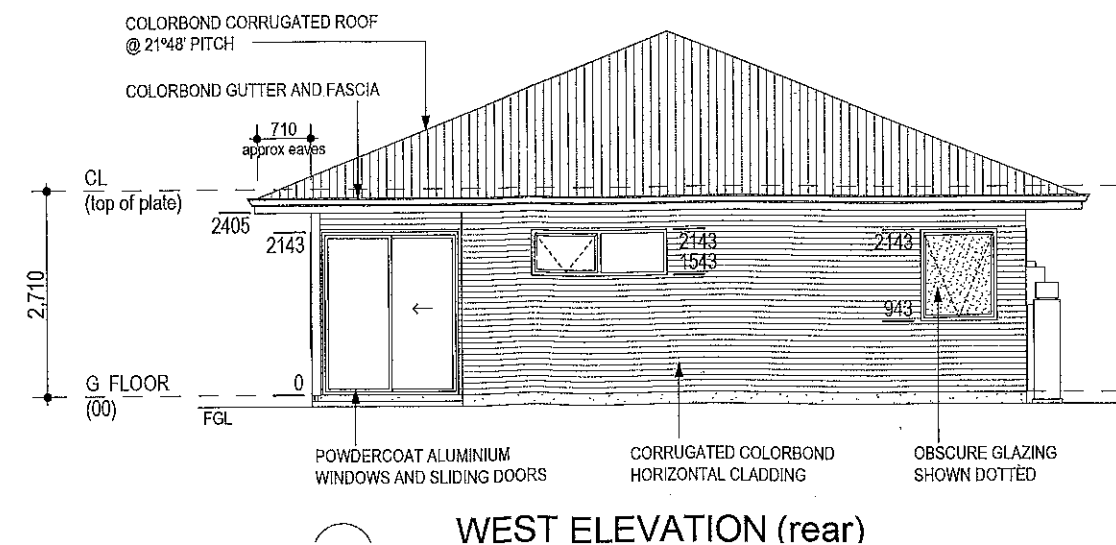
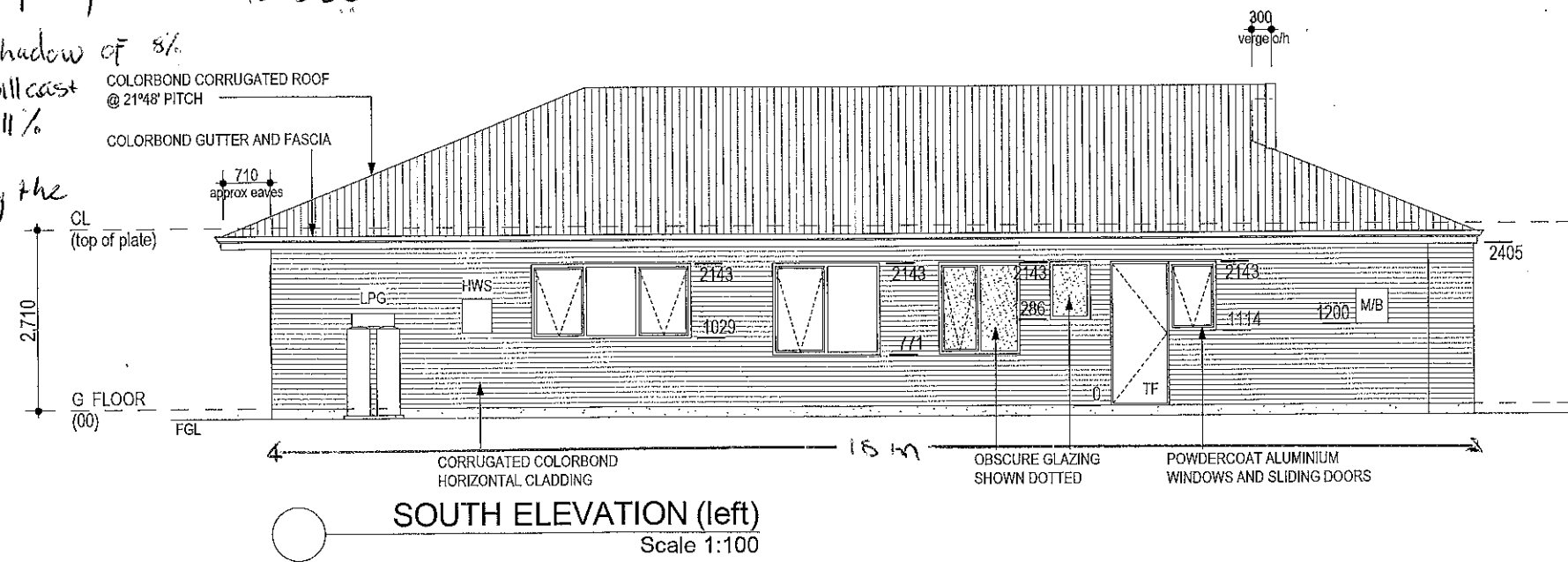
Shadow cast House + shed 4.4 m x (18 m + 9 m) = 118.8 m² = 11% overshadowing

575 Albany Highway = 986 m² lot size

House casts a shadow of 8%

House + shed will cast a shadow of 11%

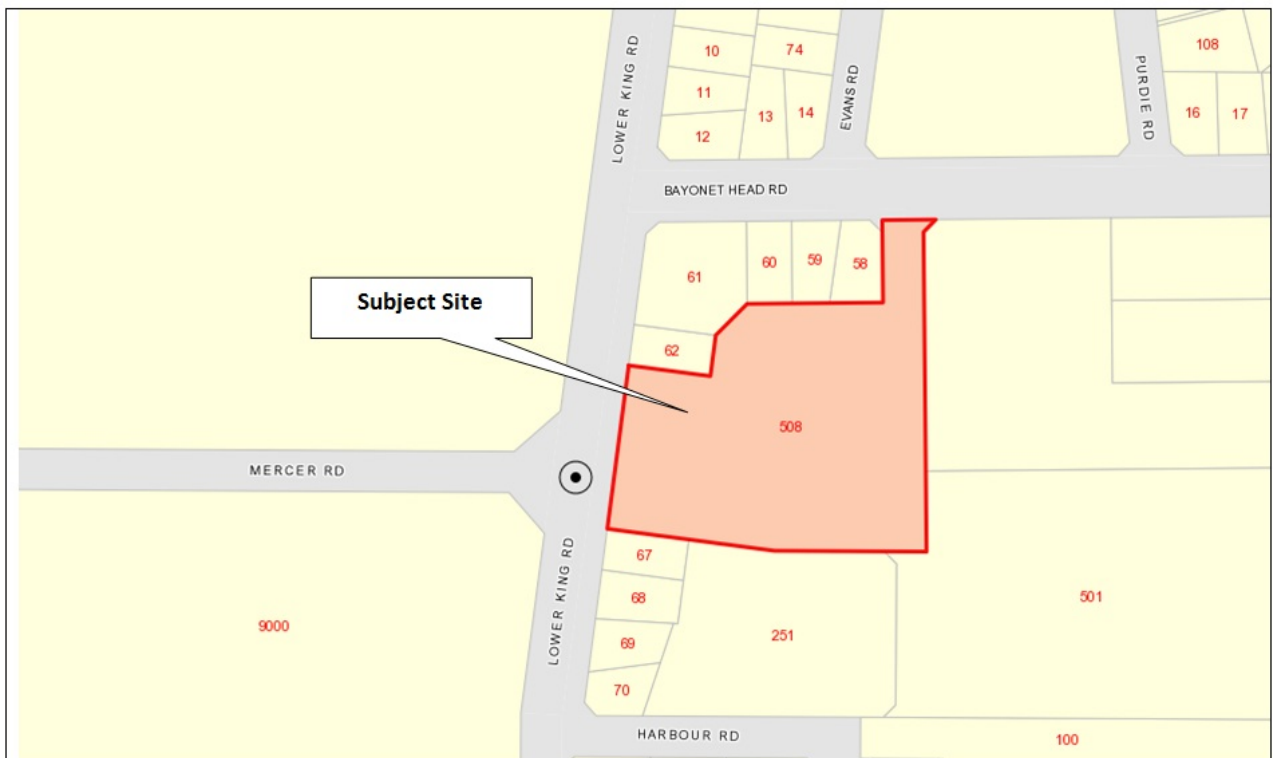
25% Allowed by the R codes



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

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

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HORTIN

SECONDED: COUINCILLOR GREGSON

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:

- 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;**
- any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition;**
- 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**
- 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.**

CARRIED 12-0

BACKGROUND

1. The application site is the site of the proposed Bayonet Head Shopping Centre, currently under construction. The site is 16949m² 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 8.99m² and is below the maximum allowed of 12m². 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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

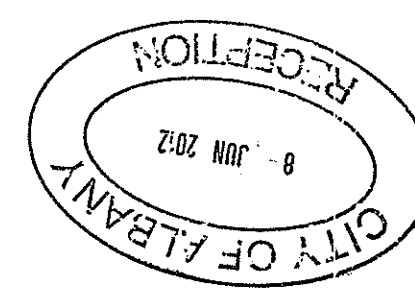
SUMMARY CONCLUSION

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.

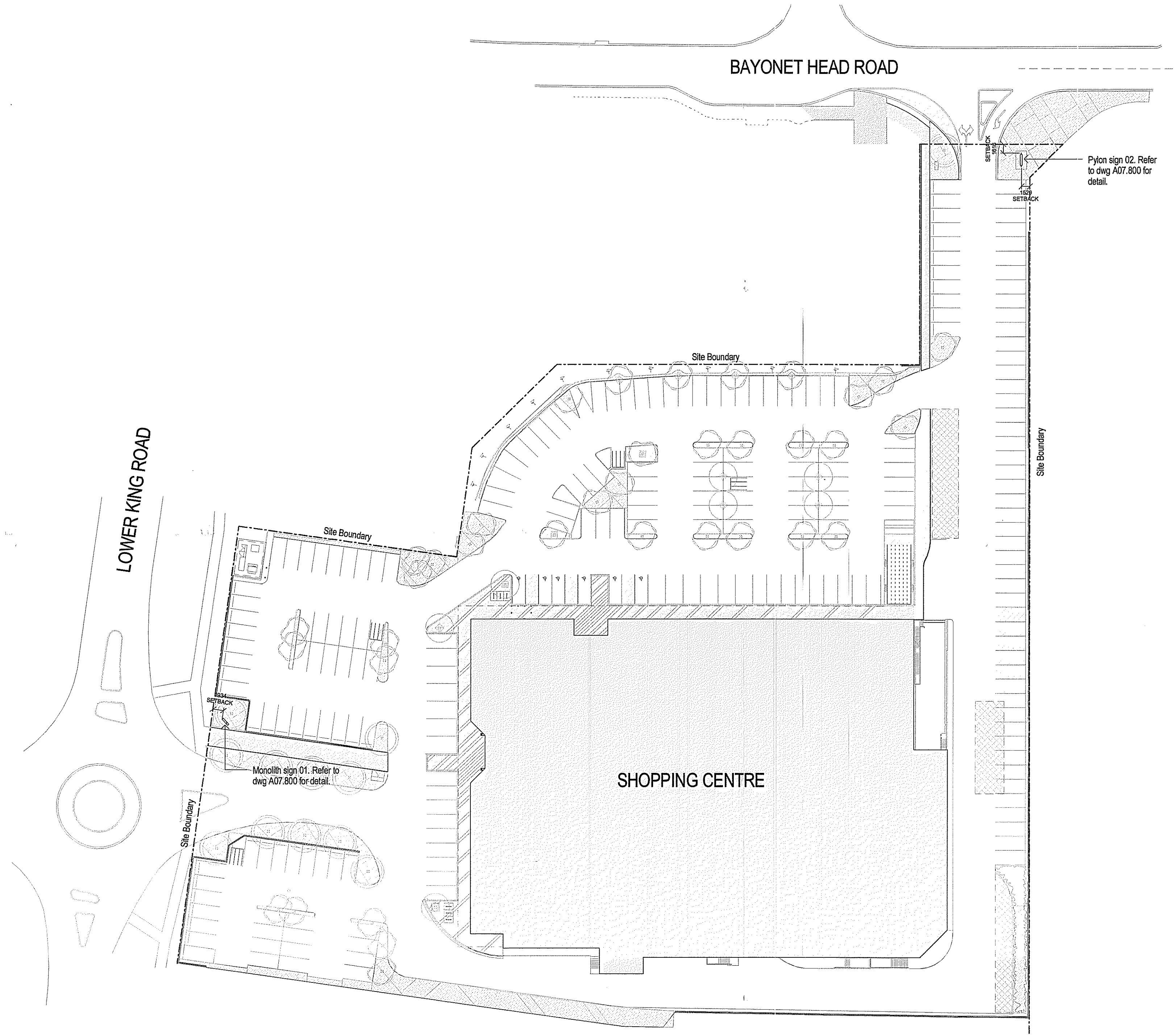
23. Although the proposed major tenants’ horizontal sign exceeds the size permitted under the Council policy, it is in proportion to the scale of the building and is, as advised by the proponent, a standard sign of the tenant. Previous approvals for over height horizontal signs have been granted for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

Consulted References	:	City of Albany Town Planning Scheme No. 3 City of Albany Local Planning Scheme No. 1A & 3 Policy Manual
File Number (Name of Ward)	:	A71182 (and/or Ward Name if applicable)
Previous Reference	:	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.



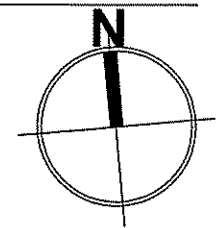
1 Pylon Signage Location & Setback Plan
1:500

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

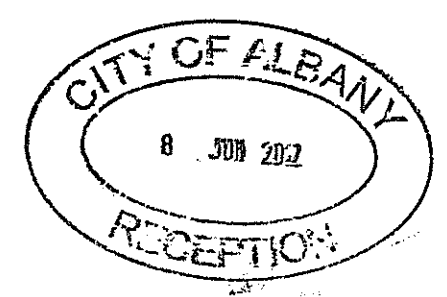
Project:
Bayonet Head Shopping Centre
 Lot 508, Lower King Road, Bayonet Head.

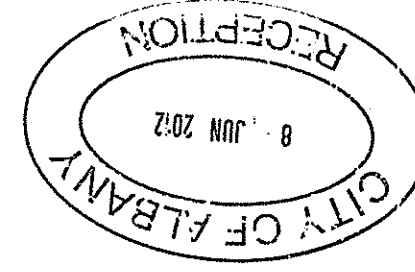


Title:
Pylon Signage Location & Setback Plan

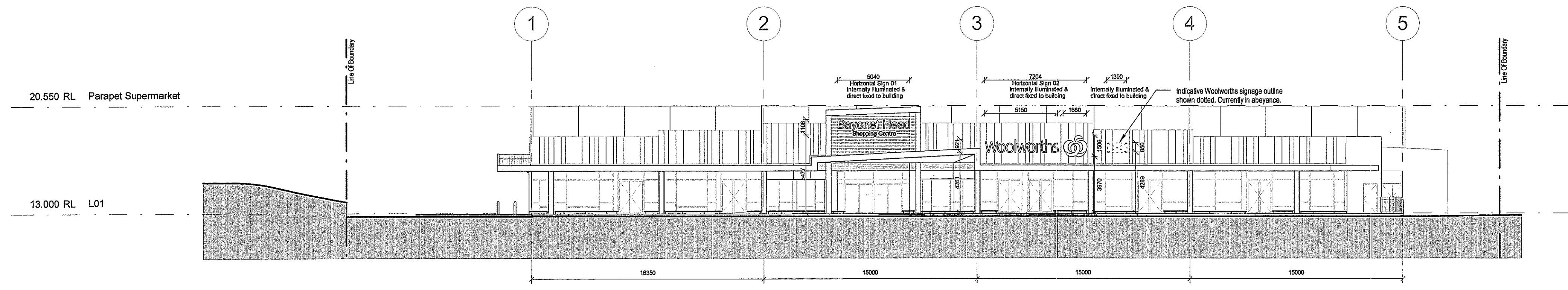
Drawn	AL	Scale 1: 100
Date	04/20/12	0 2 4 6 8
Scale	1: 500	Drawing No.
Job No.	581	Rev.
		A07.802

Development Application

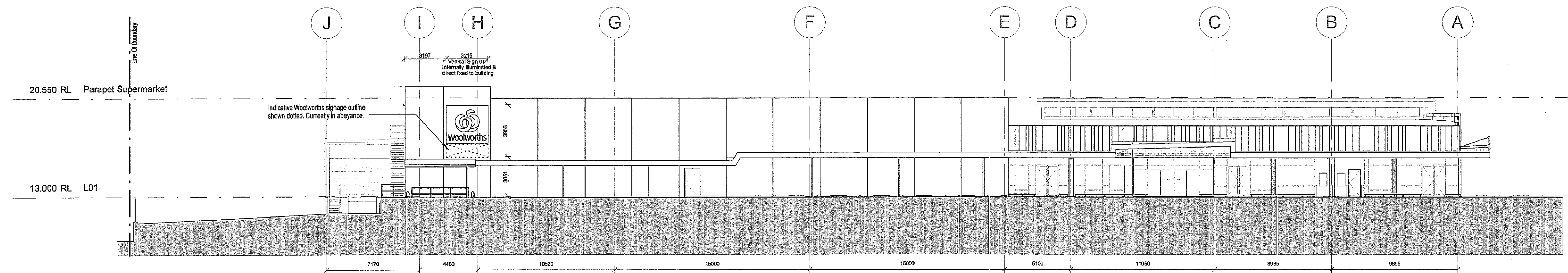




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2 Elevation West
1:200



1 Elevation North
1:200

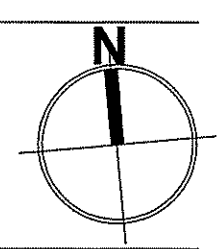
Rev.	Date	Amendment
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Architect:

 18 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

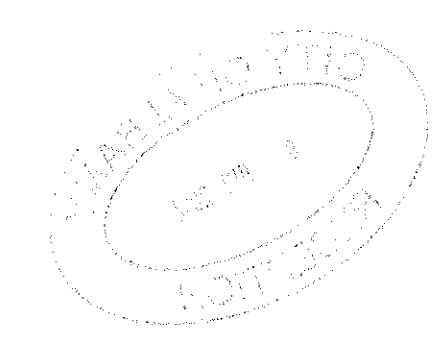
Project:
Bayonet Head Shopping Centre
 Lot 508, Lower King Road, Bayonet Head.



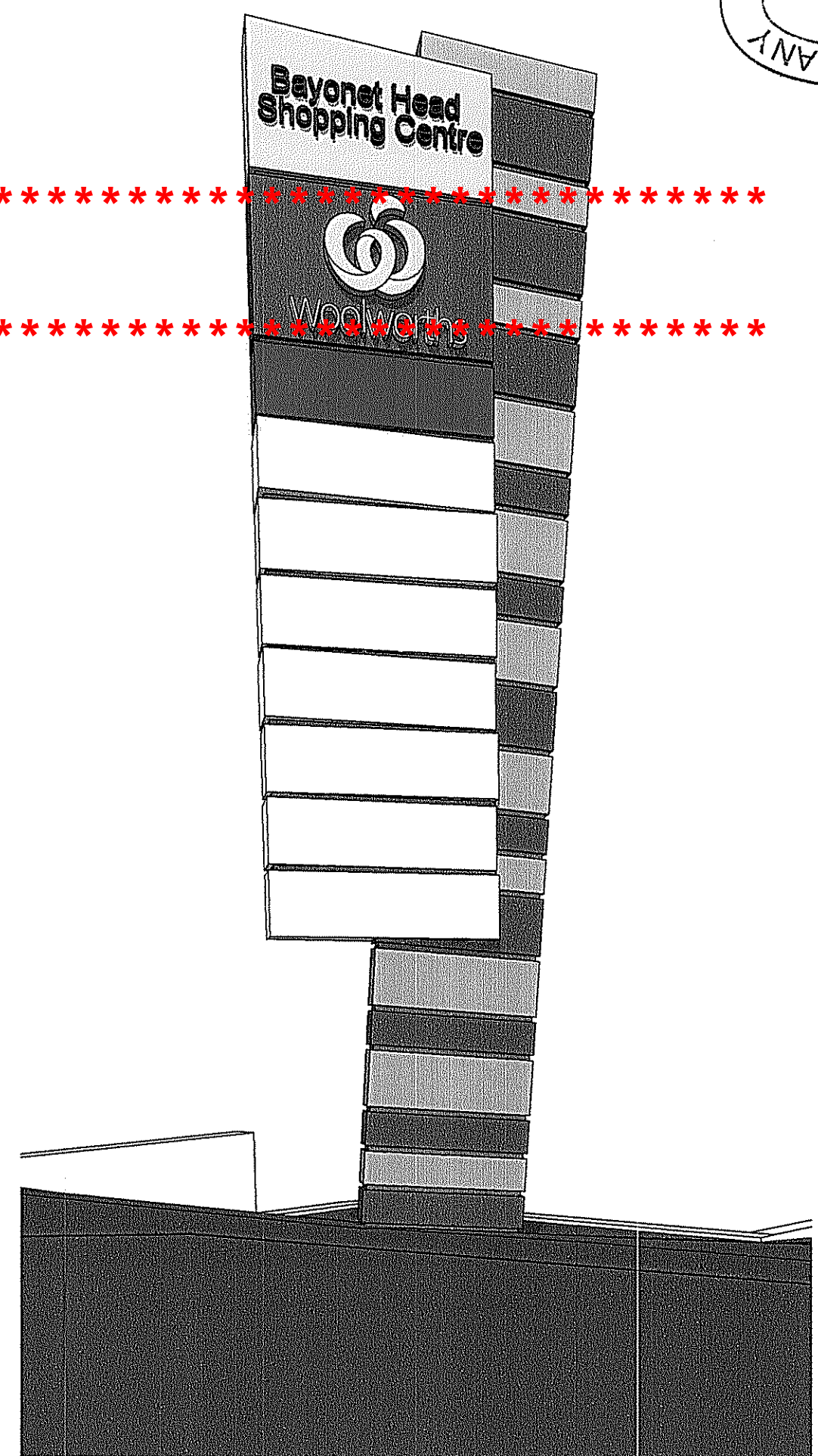
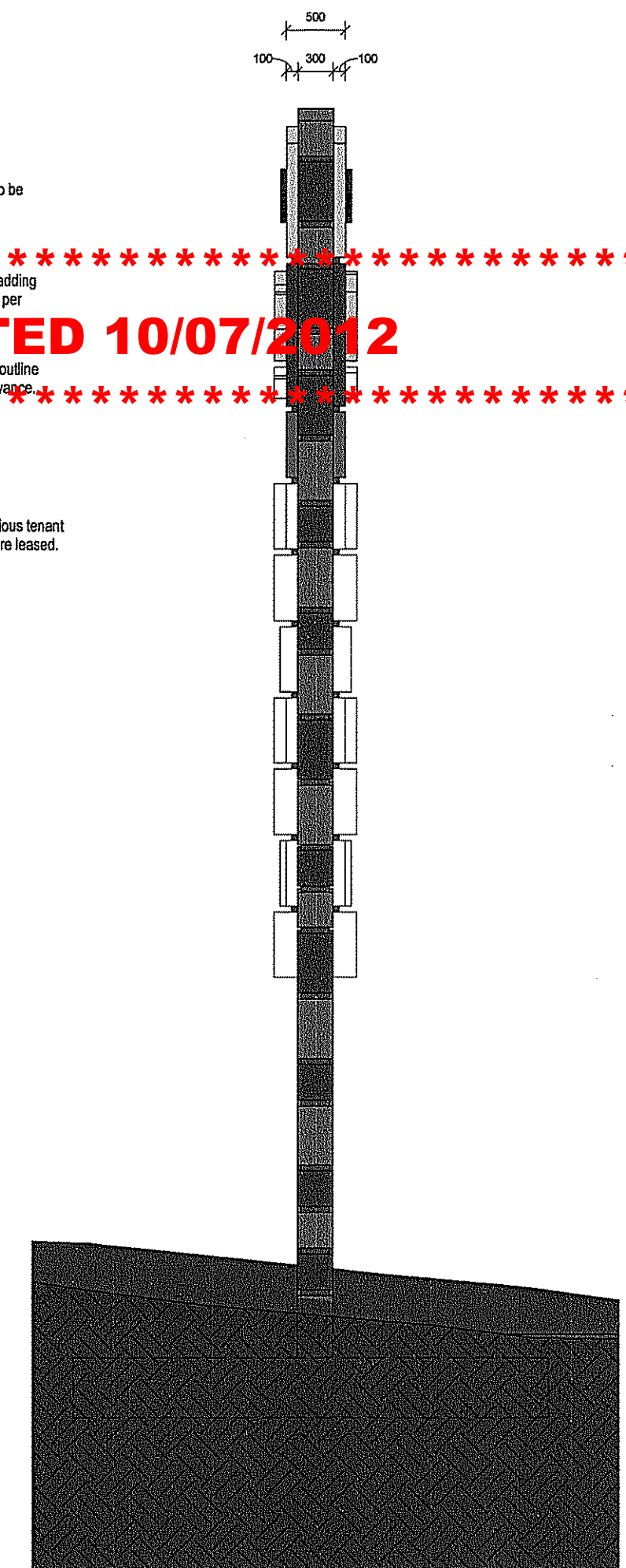
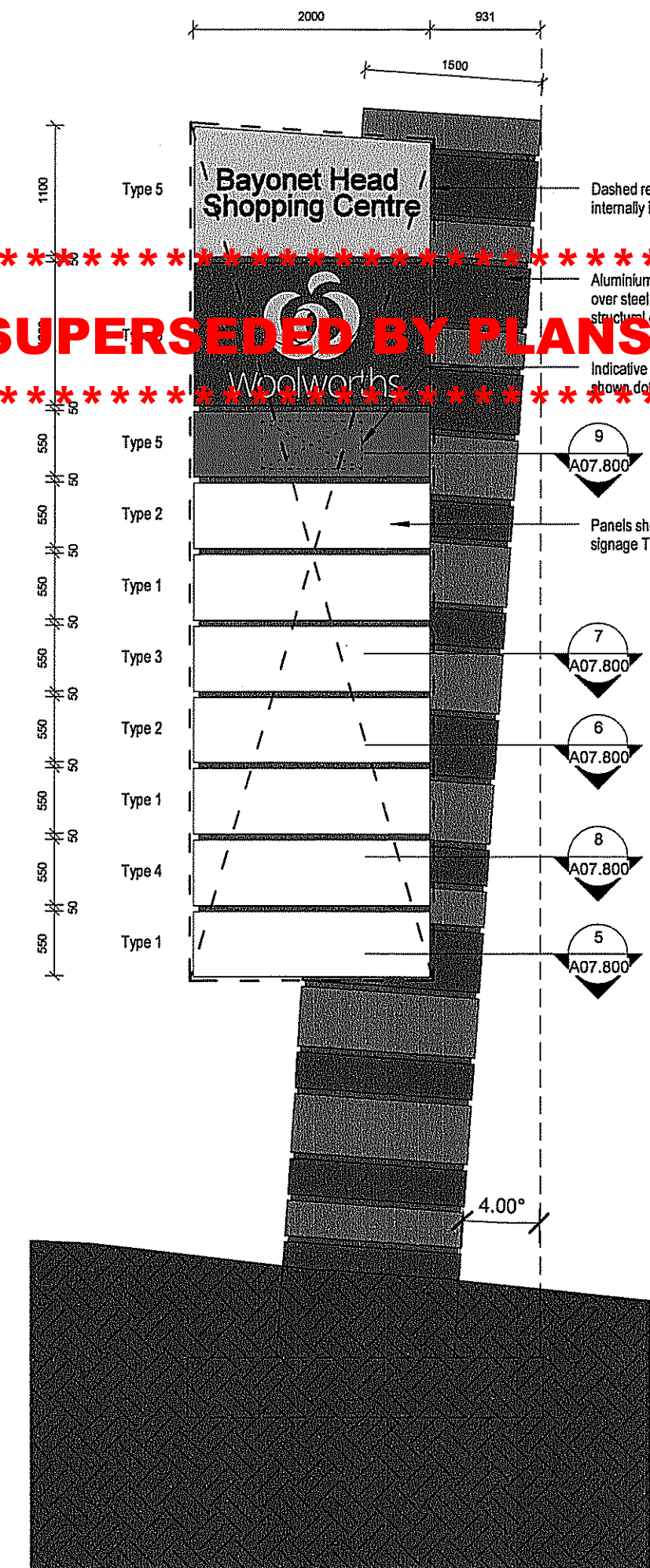
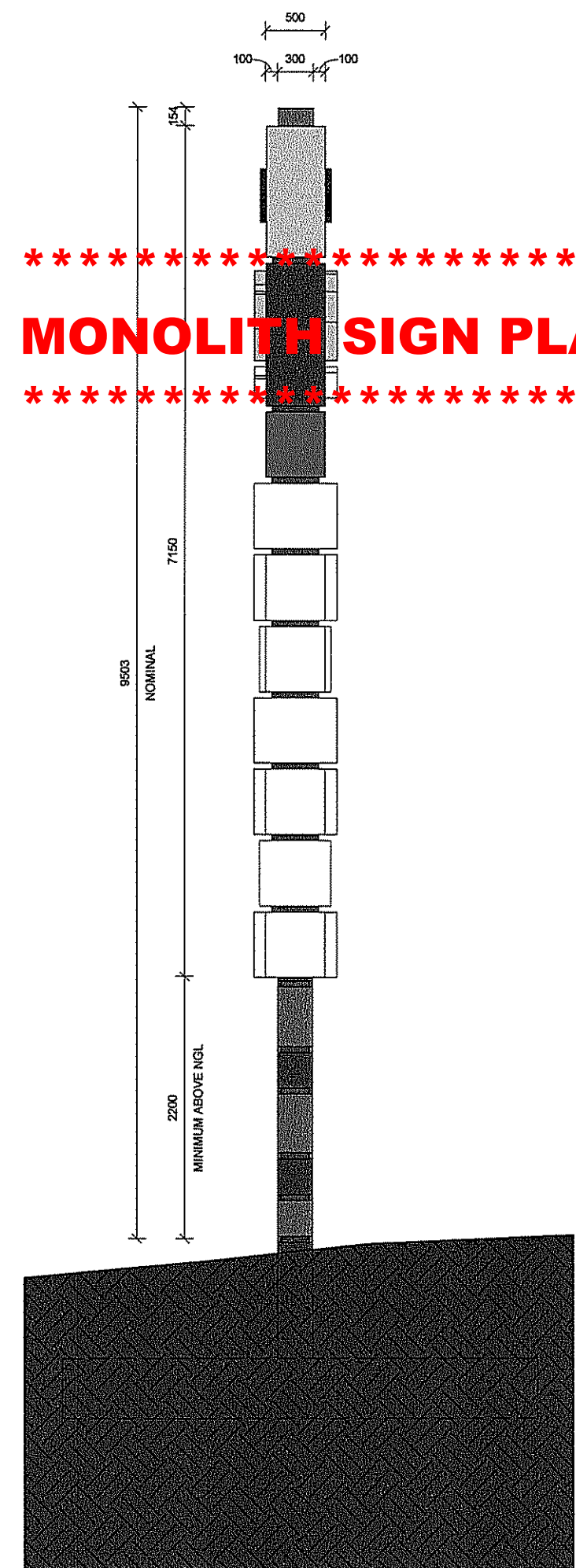
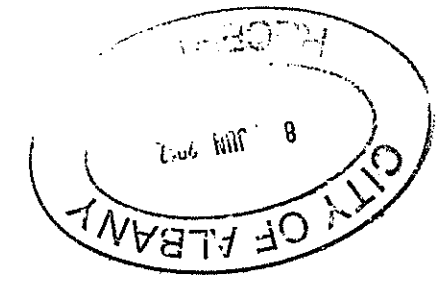
Title:
Building Signage Elevations

Drawn	AL	Scale 1: 200
Date	04/20/12	0 2 4 6
Scale	1: 200	Drawing No. Rev.
Job No.	581	A07.801

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.

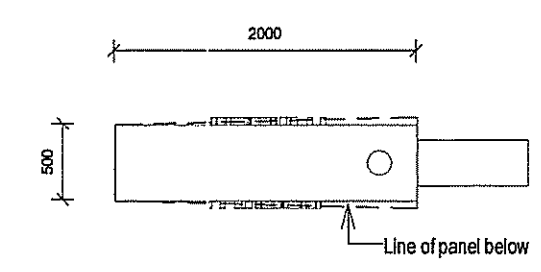
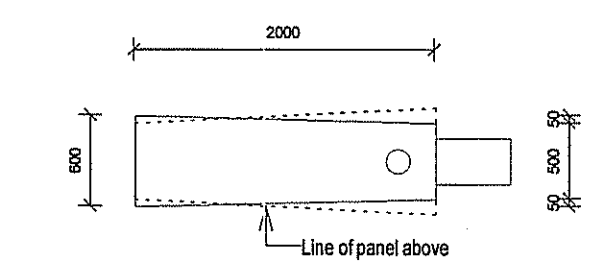
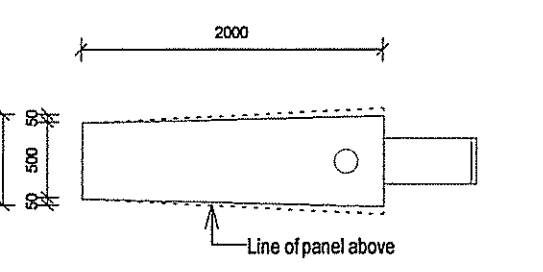
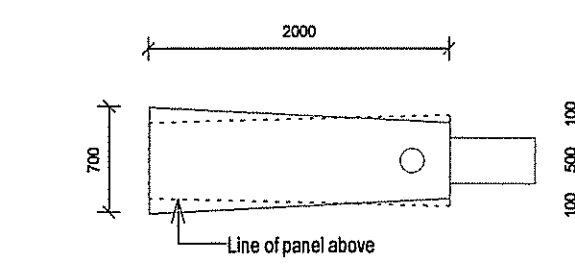
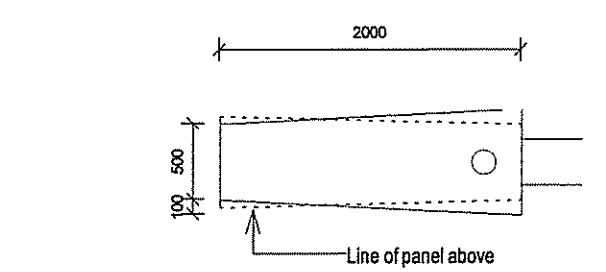


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1:50

2 Monolith 01 Front
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3 Monolith 01 Right
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4 Monolith 01 perspective
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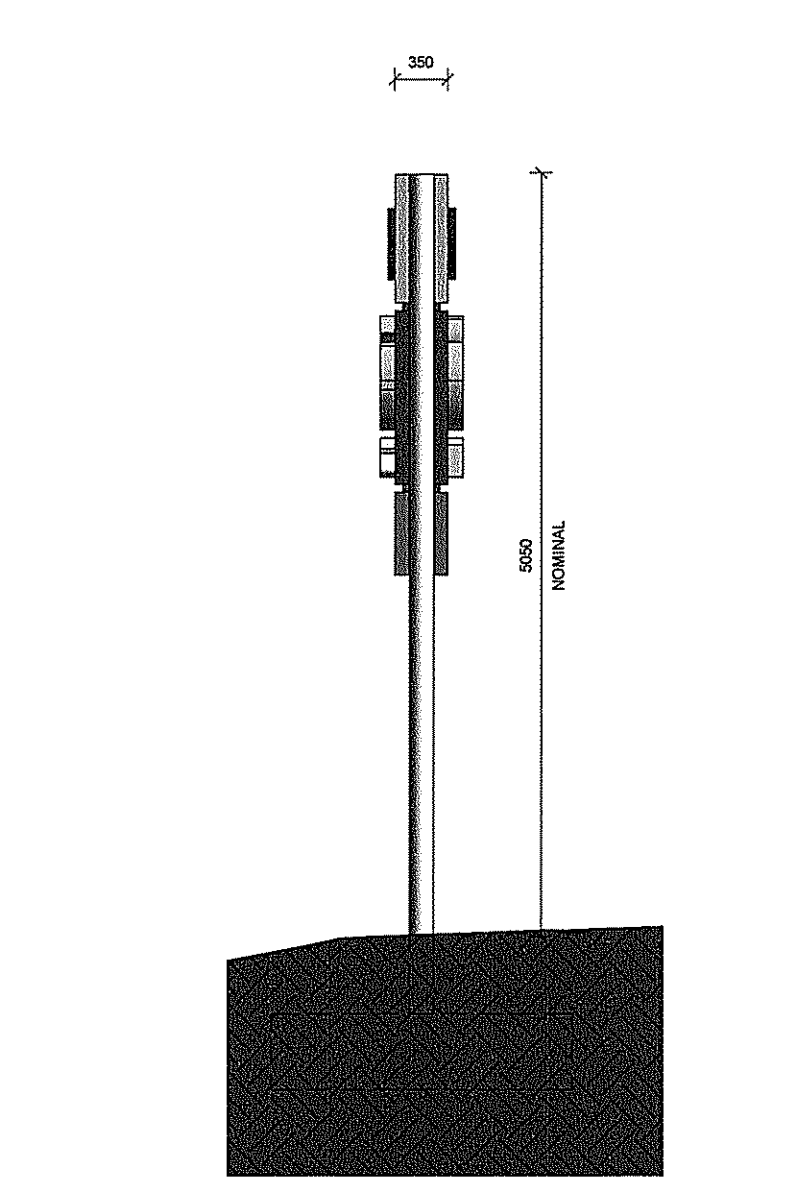
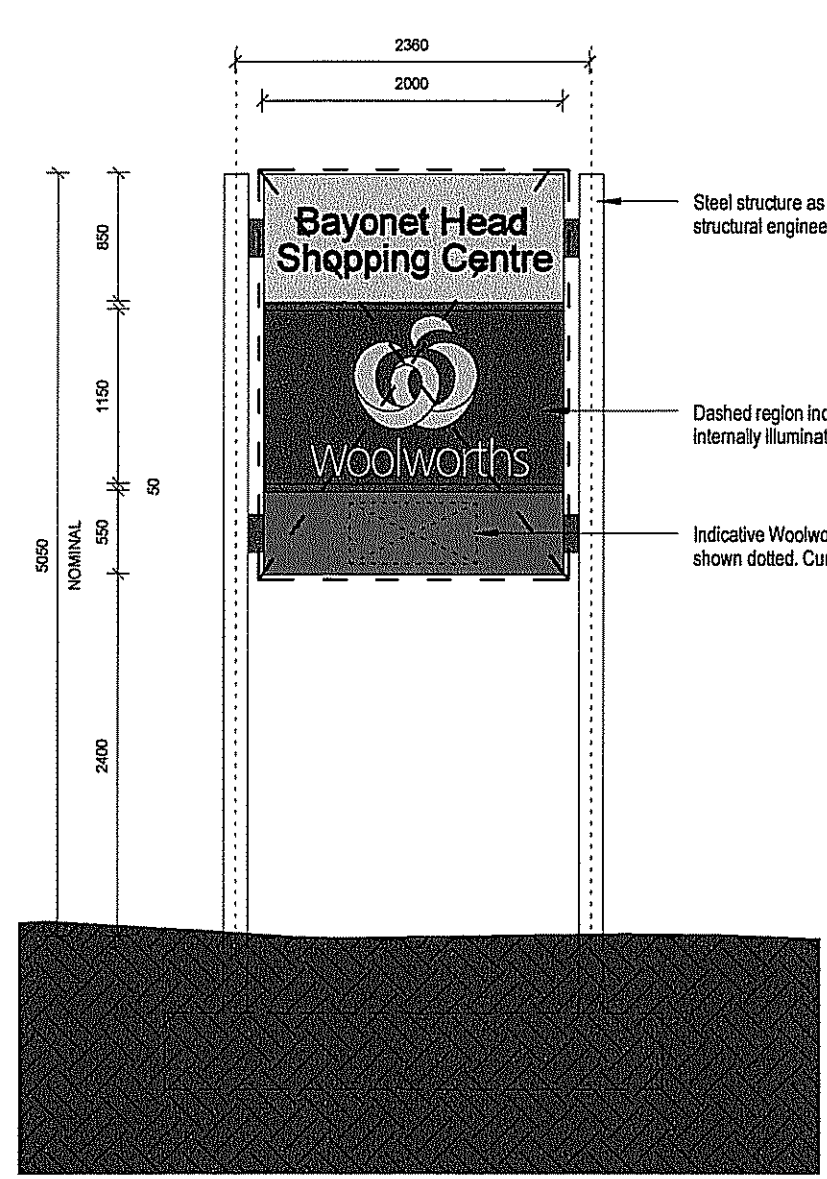
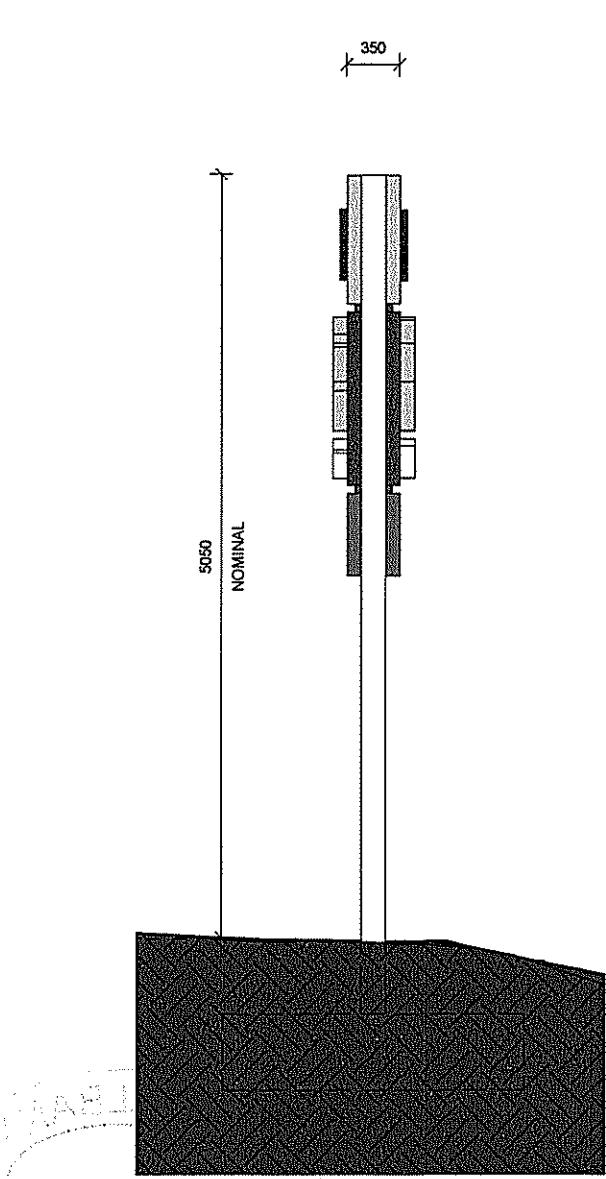
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A07.800 1:50

6 Panel Type 2 Plan
A07.800 1:50

7 Panel Type 3 Plan
A07.800 1:50

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
1:50

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

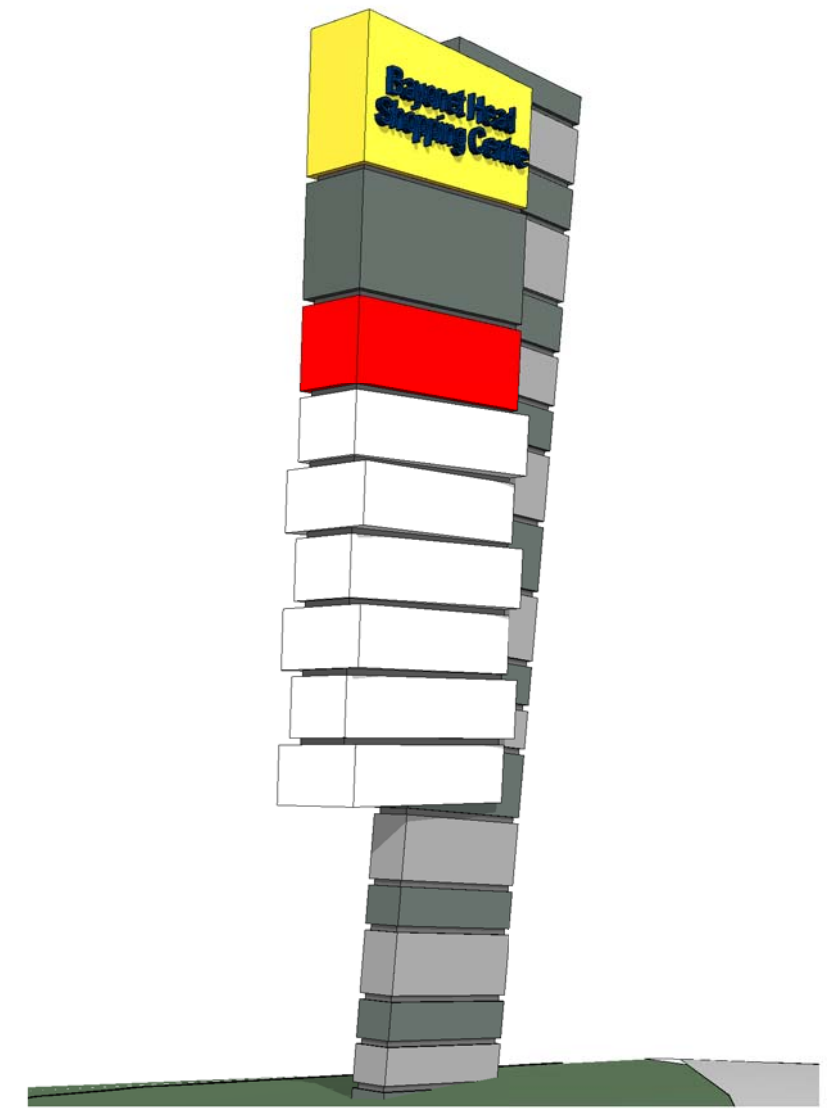
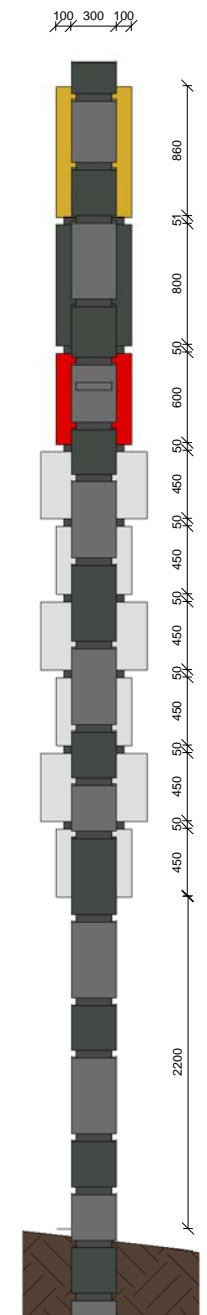
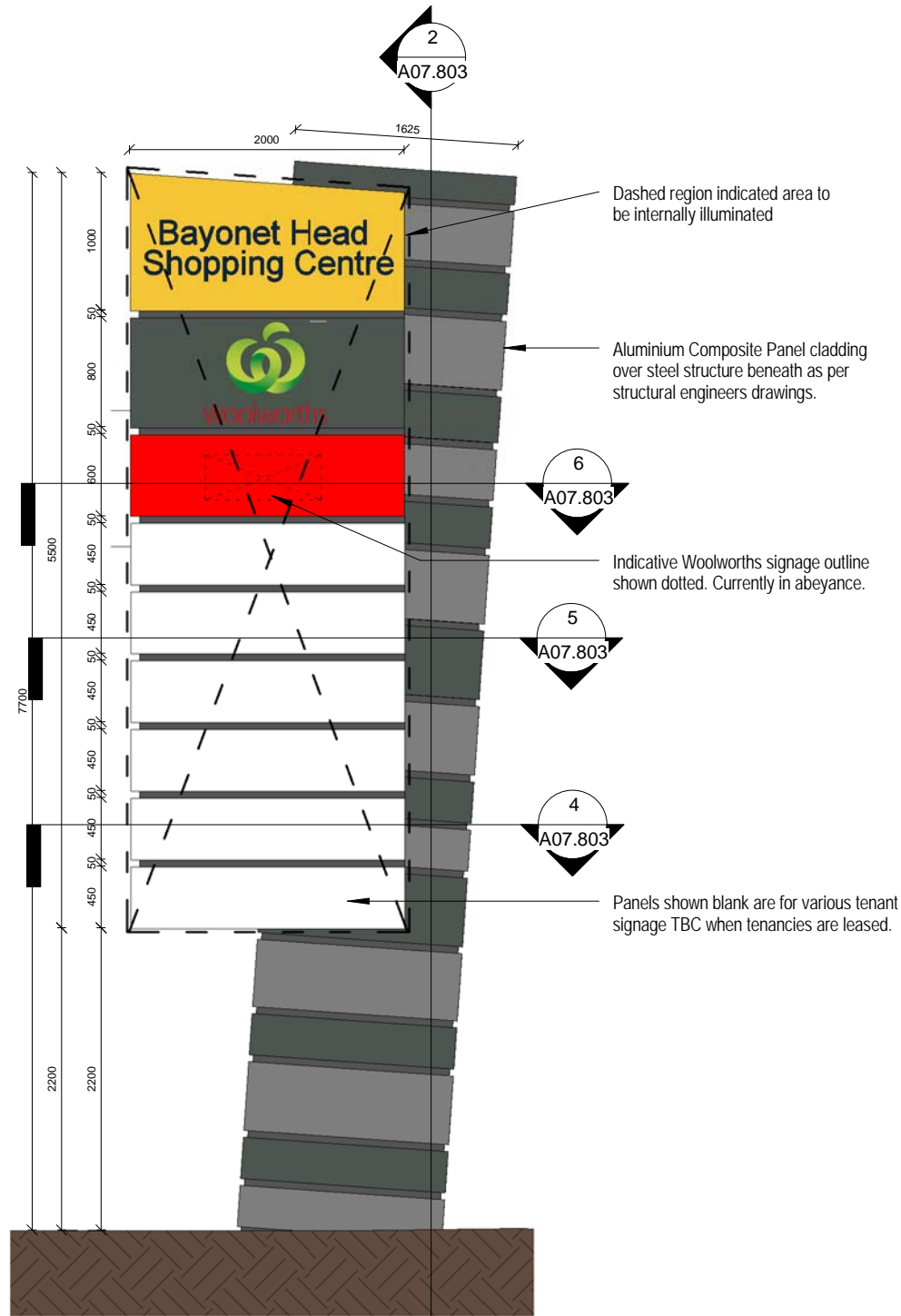
Client: **Cuscuna Nominees PTY LTD**

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

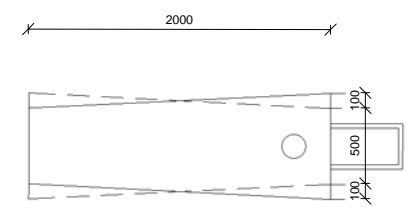
Title: **Pylon Signage**

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Date	08/04/11		
Scale	1:50	Drawing No.	A07.800
Job No.	581	Rev.	3

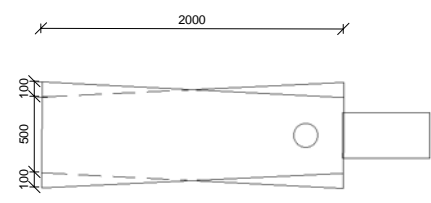




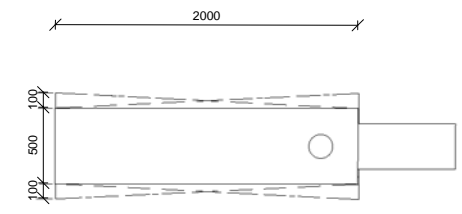
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2 Monolith 1 Section
A07.803 1 : 50



3 Monolith 1 Perspective
1 : 50



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A07.803 1 : 50

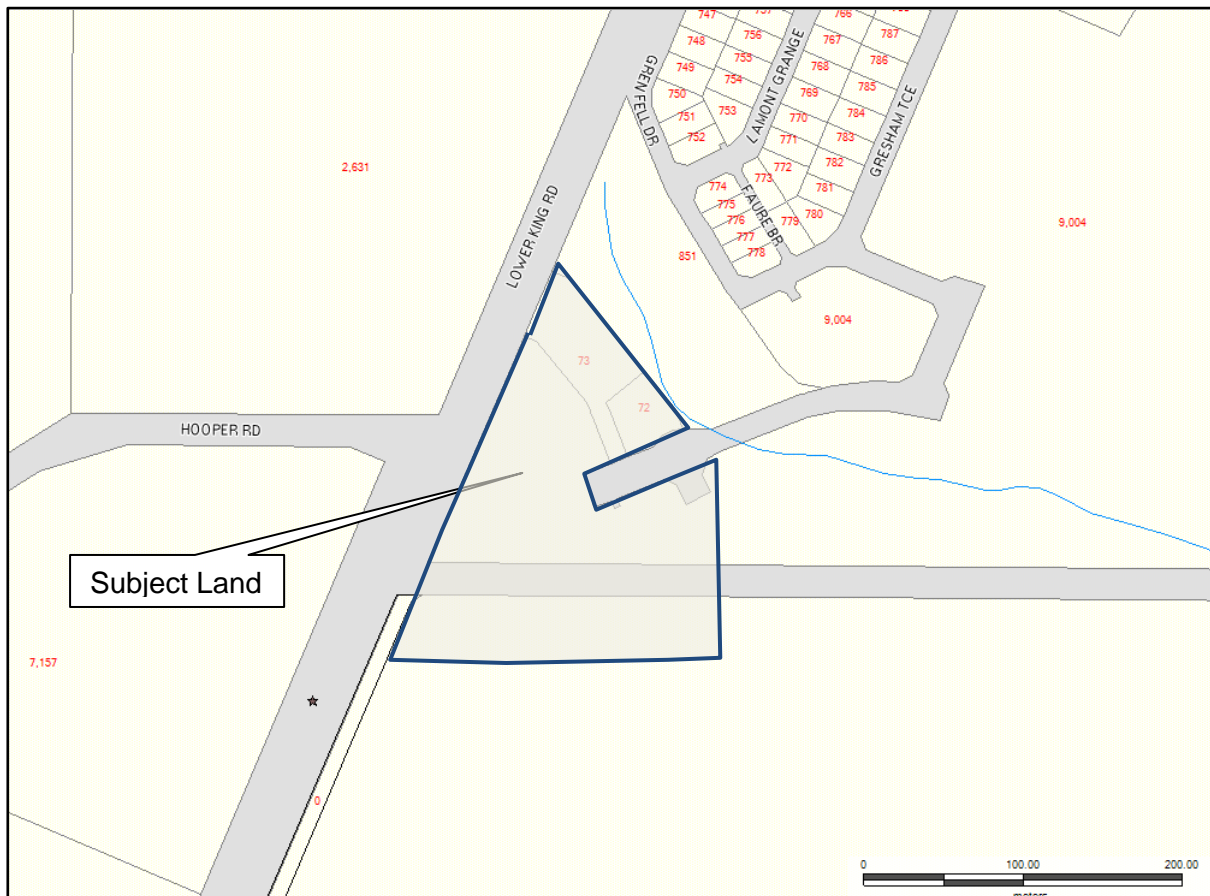
6 Panel Type - 3 Plan
A07.803 1 : 50

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 4000m².

ITEM 2.7: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR ATTWELL

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 4,000m².

CARRIED 12-0

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 4,000m².
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 4,000m² 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 600m² 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 3,500m² 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 4,000m² is consistent with direction of the City's Activity Centres Strategy.
17. The proposed variation to increase potential retail space to 4,000m² 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 4000m² 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 finally adopted 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 5000m² 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 600m² 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 4000m² can be accommodated without detriment to the City's objectives or Activities Centre Strategy.

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



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 3,500m² retail floorspace. The requested increase to a maximum of 4,000m² 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 3,500m² 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 5,000m² 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**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
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>ADVICE AND RECOMMENDATIONS</p> <p>1. Environmental Issues</p> <ul style="list-style-type: none"> • Aboriginal Heritage <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: http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AH A Due Diligence Guidelines.pdf?epslanguage=en</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 advice 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 the further acknowledge their obligations in relation to the Aboriginal Heritage Act.(as per the attached response dated 10 July 2012)</p>	

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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"> 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) 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. 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. 	<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 not to artificially limit the overall quantity of retail or other commercial floorspace 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>5.4 Neighbourhood Centres "...future potential for the neighbourhood/ local centres. This potential needs to be seen as a</p>	The submission is noted.

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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 5,000m²) 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 4,000m² 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><i>medium to longer term potential.</i> Provided the sites are maintained, and the major elements of this Strategy are implemented, the appropriate [2, 3, 4 and 5] timing of future neighbourhood centres can be Confidently left to the market. In the meantime, the Albany population will certainly not be deprived of conveniently located retail floorspace.”</p> <p>“ 6.5 Neighbourhood Centres 6.5.1 Key Strategic Objective</p> <p>“...The main strategy for neighbourhood centres, therefore is:</p> <ul style="list-style-type: none"> • To retain the neighbourhood centre sites designated as such on the Strategy Map through zoning and/ or up-to-date structure planning. • 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). • To encourage owners of these sites to prepare and maintain 	

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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"> • [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. • [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... <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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		<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 & 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>	

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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 & 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 4,000m² 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 & 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 5000m².</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>	

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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 4,000m², 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 5000m².</p> <p>A 500m² increase in maximum floor space from 3500 m² to 4000 m² 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

No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			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 RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON

SECONDED: COUNCILLOR SUTTON

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.

CARRIED 12-0

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.

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

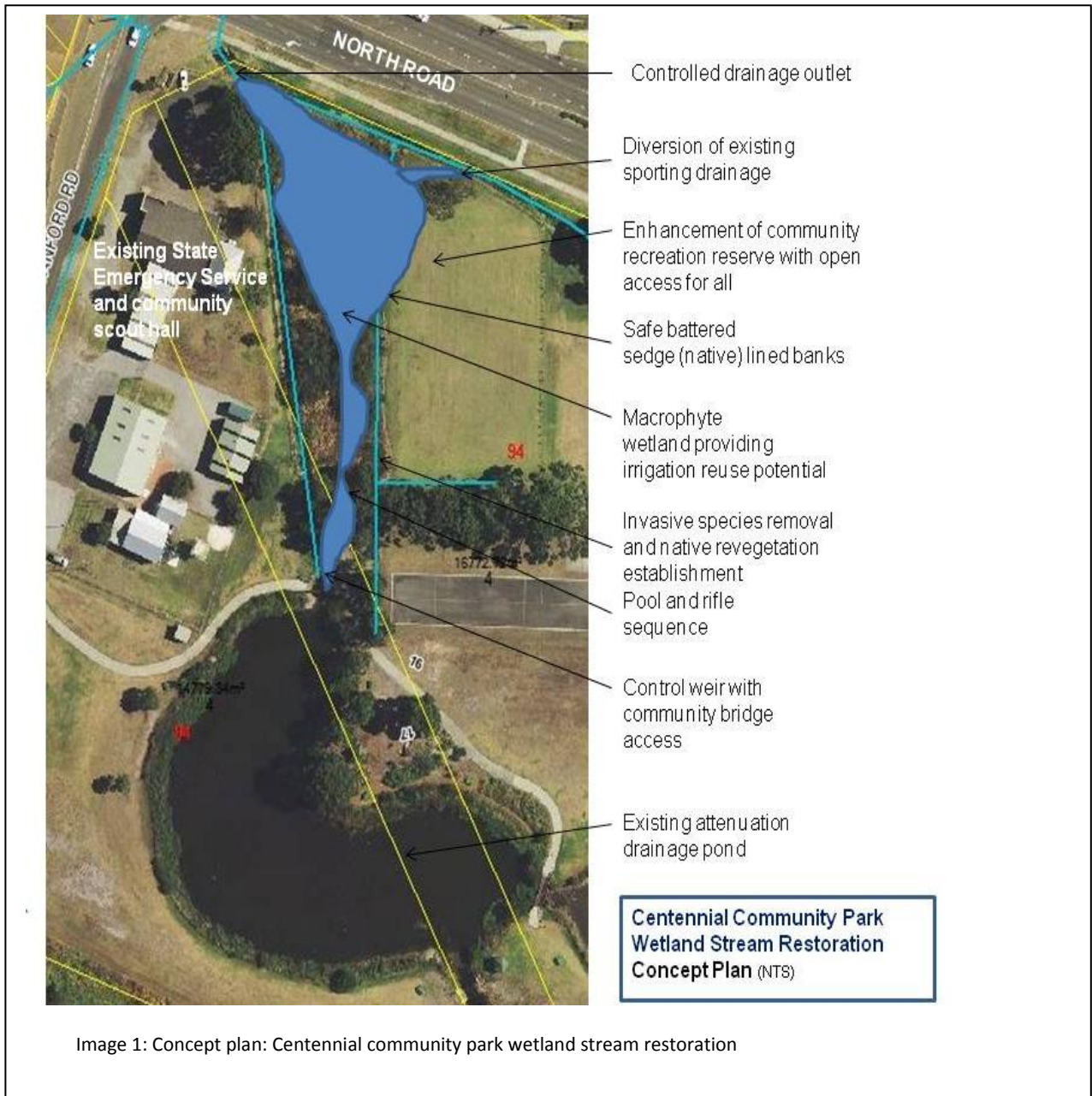


Image 1: Concept plan: Centennial community park wetland stream restoration



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



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 14th 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.

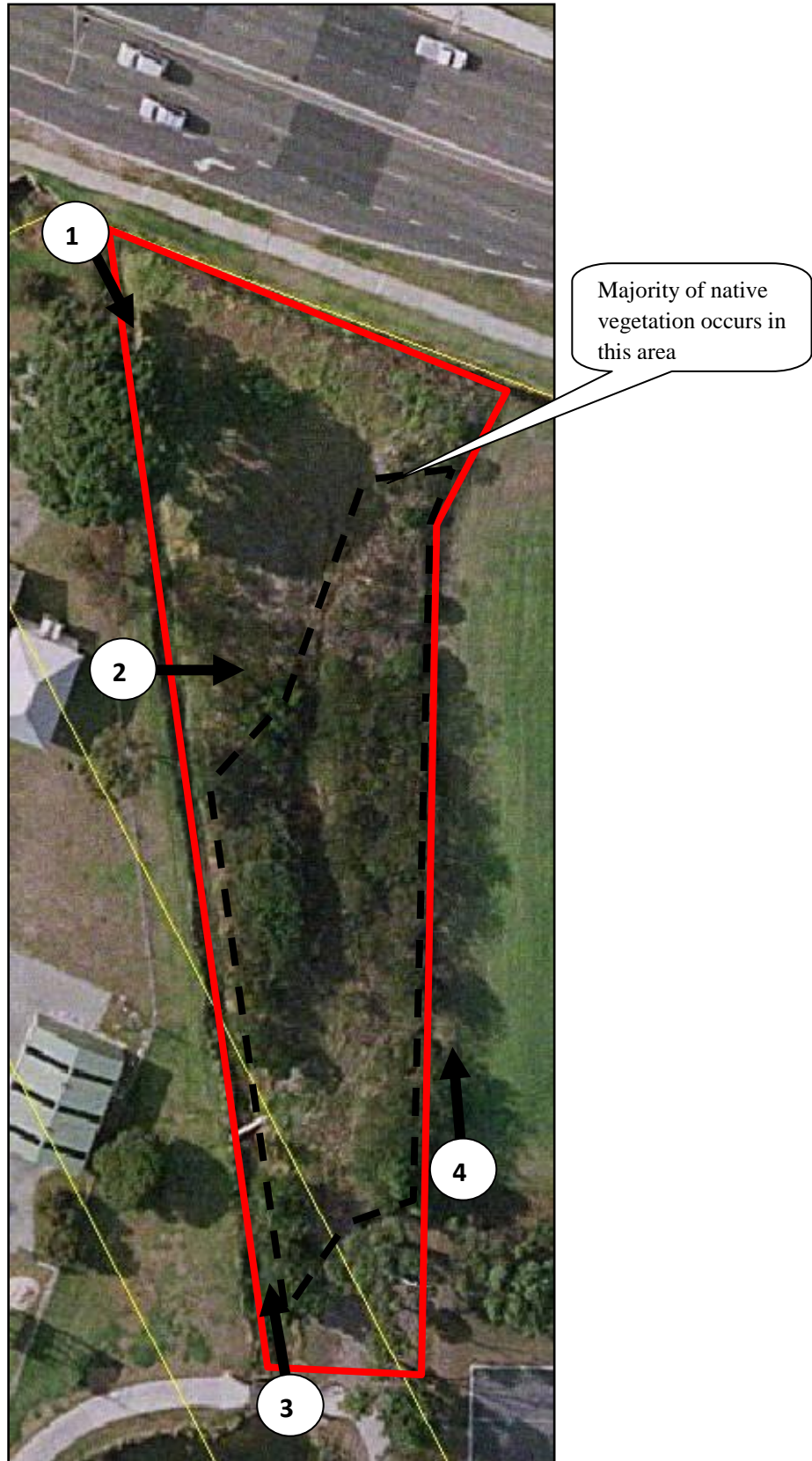


Figure 2: Survey site details and photo point locations



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

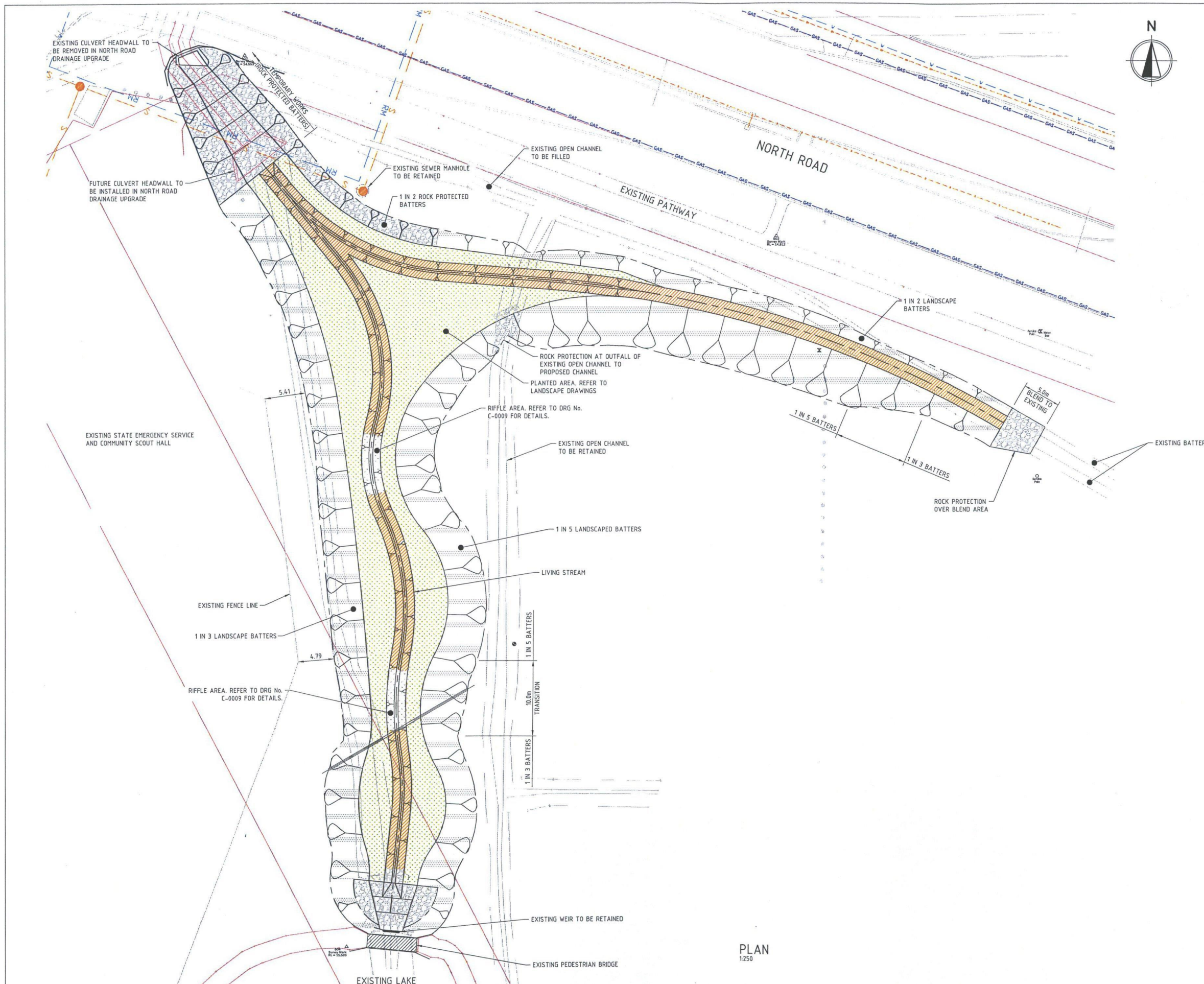


NOTES

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5. CONTRACTOR TO EXERCISE EXTREME CARE IN THE VICINITY OF THE U/GROUND POWER, TELSTRA CONDUITS AND FIBRE OPTIC CABLES.

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 RISING MAIN SEWER
- EXISTING GAS
- EXISTING SEWER MANHOLE



PLAN
1:250

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

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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	

P:\P11493\CENTENNIAL PARK DRAINAGE\DRAWINGS\PLANTING\DRG-C-0004.DWG
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AGENDA ITEM 2.8 REFERS

NOTES

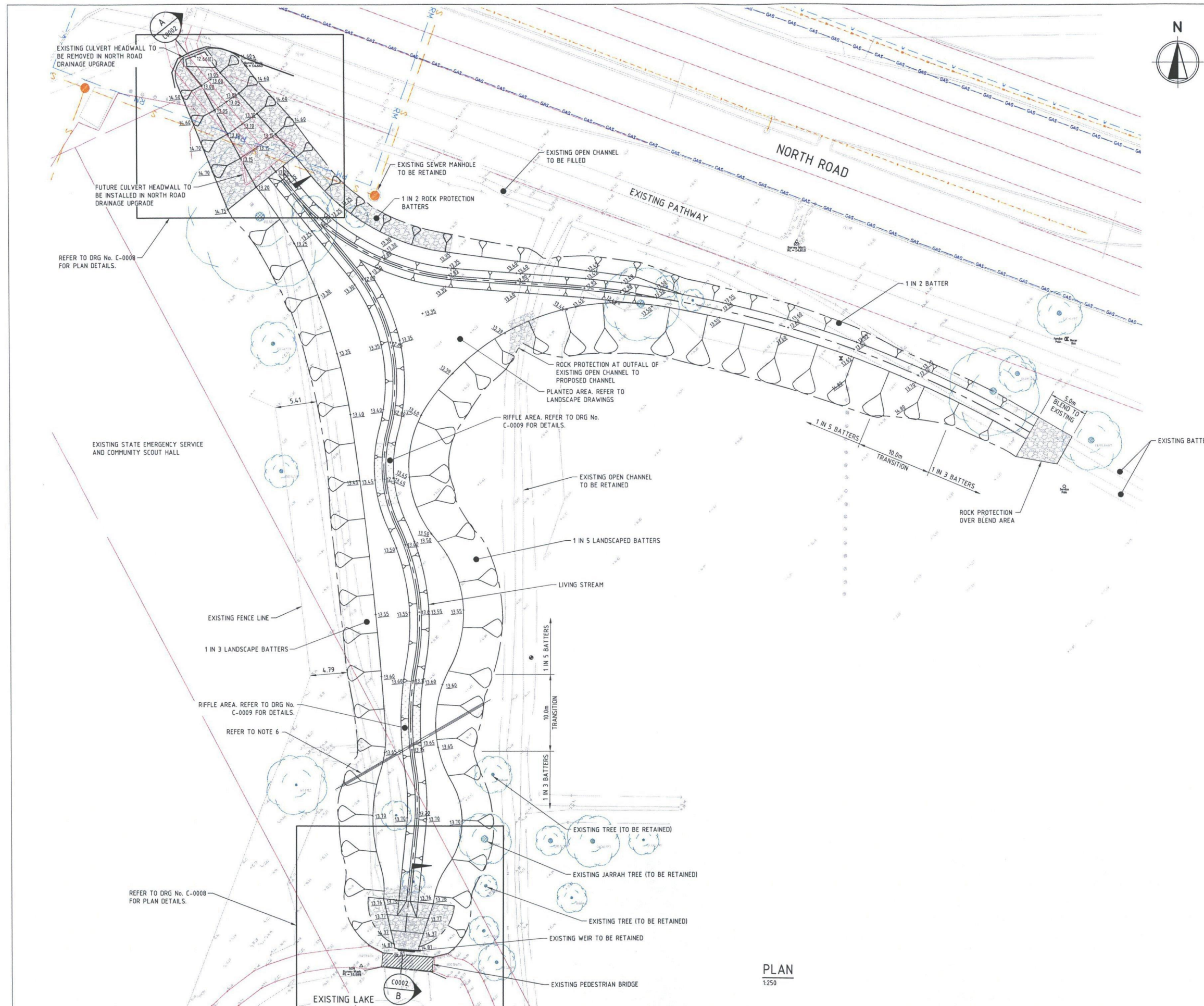
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- CONTRACTOR TO EXERCISE EXTREME CARE IN THE VICINITY OF THE U/GROUND POWER, TELSTRA CONDUITS AND FIBRE OPTIC CABLES.
- EXISTING Ø375 HELICOID PIPE OF UNKNOWN SERVICE. CONTRACTOR TO DETERMINE SERVICE TYPE AND REQUEST ACTION FROM SUPERINTENDENT BASED 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

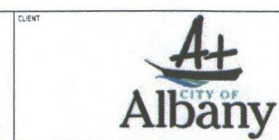
DRAWING INDEX

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
C	20.02.2012	ISSUED FOR TENDER	AP
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A	08.02.2012	ISSUED FOR CLIENT REVIEW	AP



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PROJECT
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ALBANY

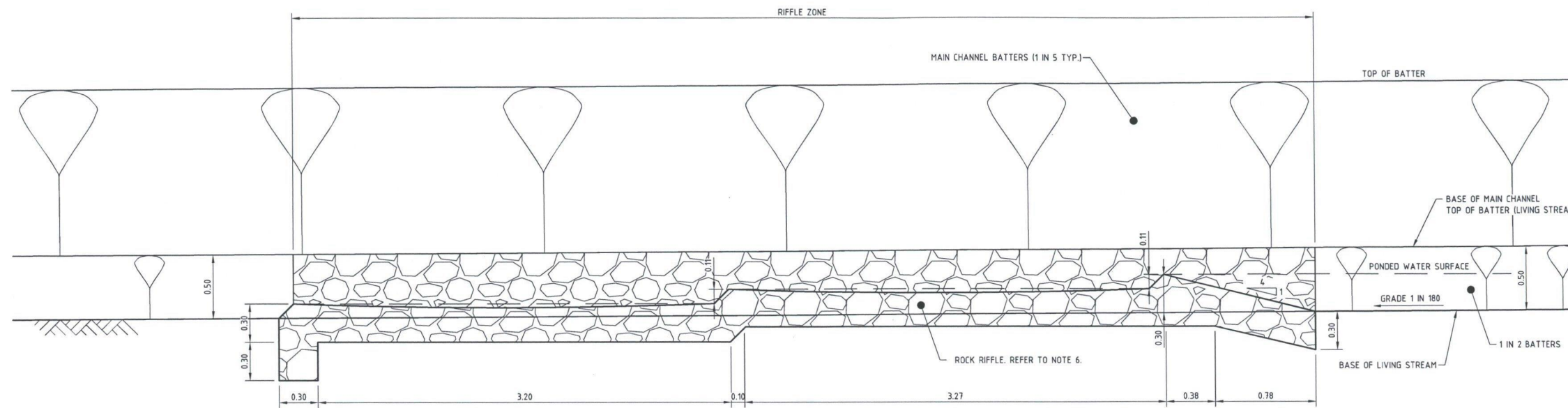
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PROJECT No. P11493	DRAWING No. C-0001
REV C	

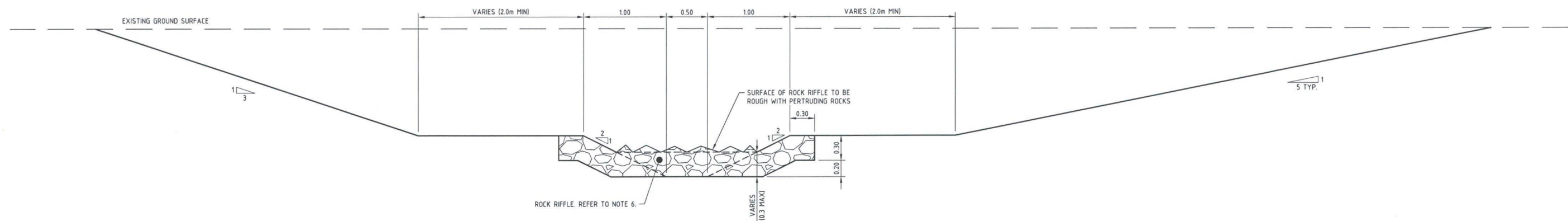
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- CONTRACTOR TO EXERCISE EXTREME CARE IN THE VICINITY OF THE U/GROUND POWER, TELSTRA CONDUITS AND FIBRE OPTIC CABLES.
- RIFFLE ROCK PROTECTION SHALL BE AS FOLLOWS:

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

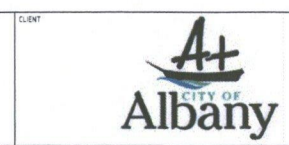


RIFFLE - TYPICAL LONG SECTION
1:20



RIFFLE - TYPICAL CROSS SECTION THROUGH RIFFLE AREA
1:25

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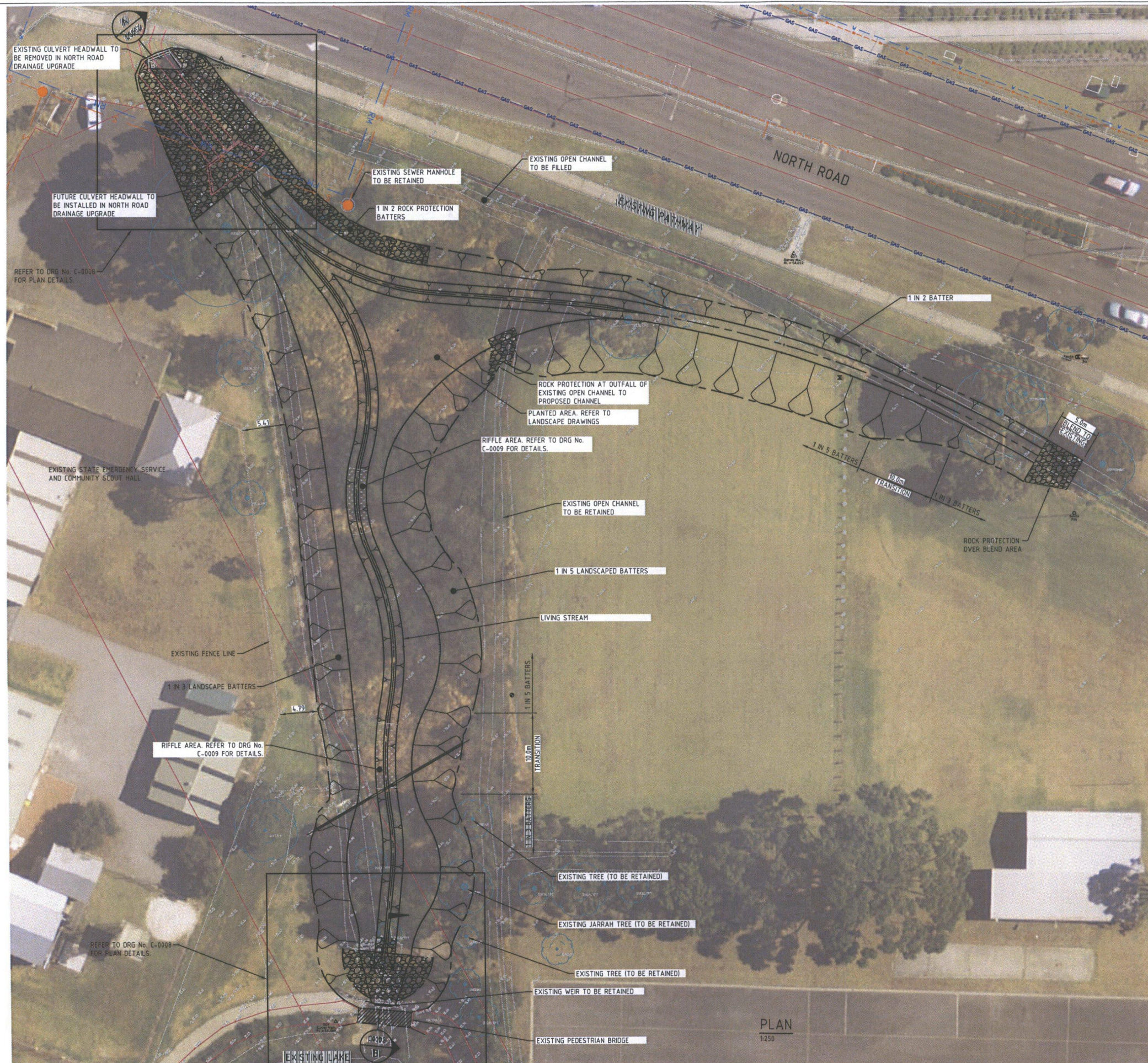
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CENTENNIAL PARK DRAINAGE
ALBANY

STATUS ISSUED FOR TENDER NOT TO BE USED FOR CONSTRUCTION			
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DATUM AHD	DRG AMG	SCALE	AT A1 SIZE

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

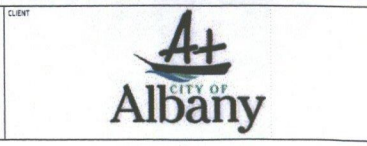
NOTES

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A	15.02.2012	ISSUED FOR FINAL TENDER REVIEW	AP				

REV	DATE	DESCRIPTION	RVD



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PROJECT
BG & E
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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

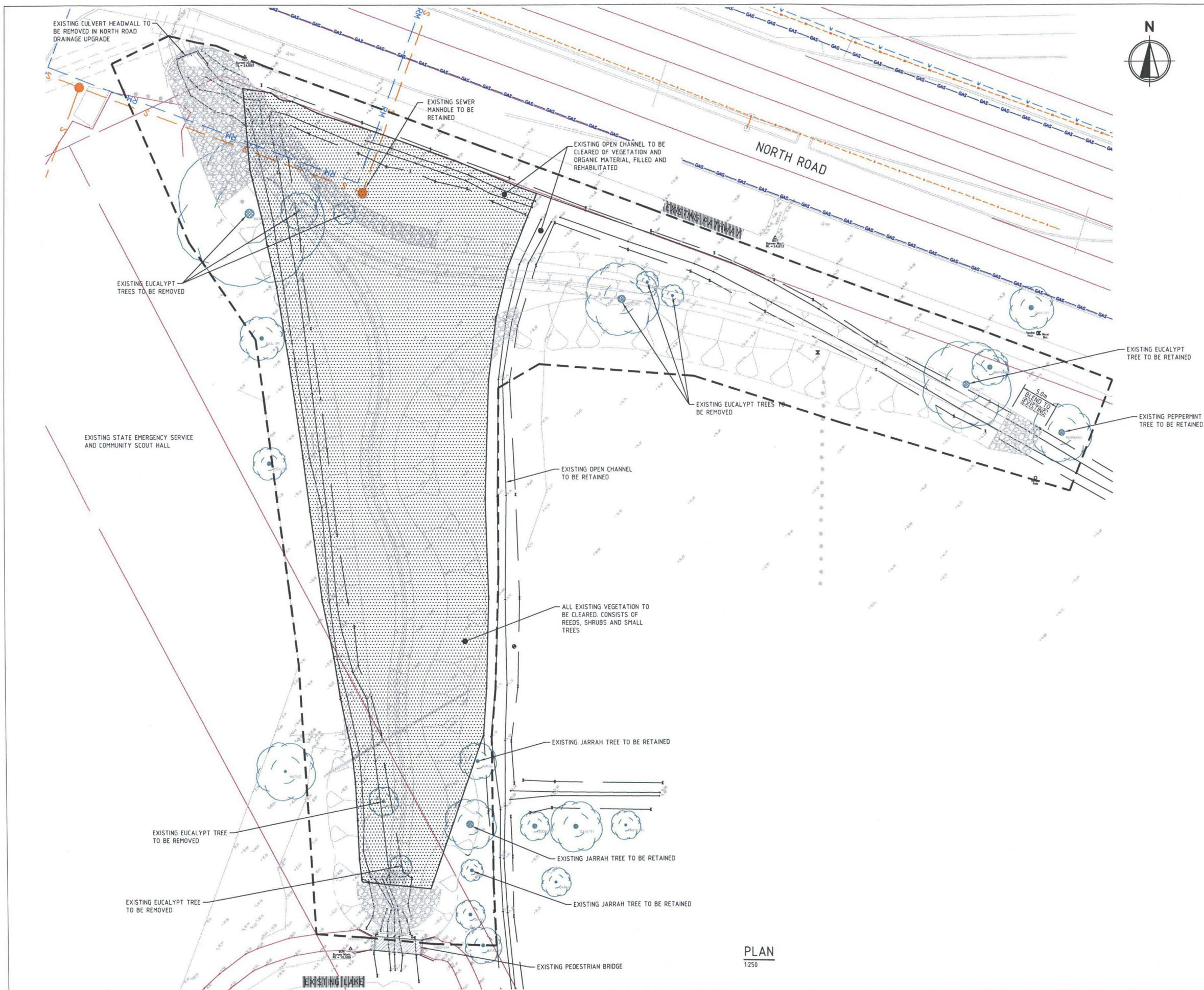


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LEGEND

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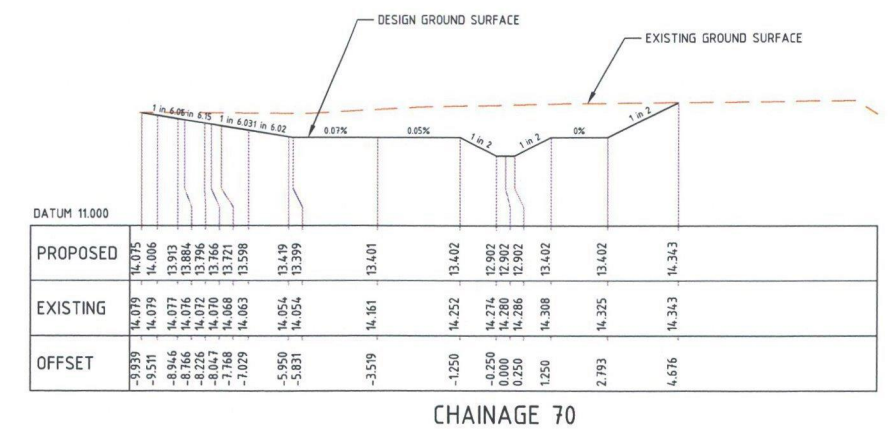
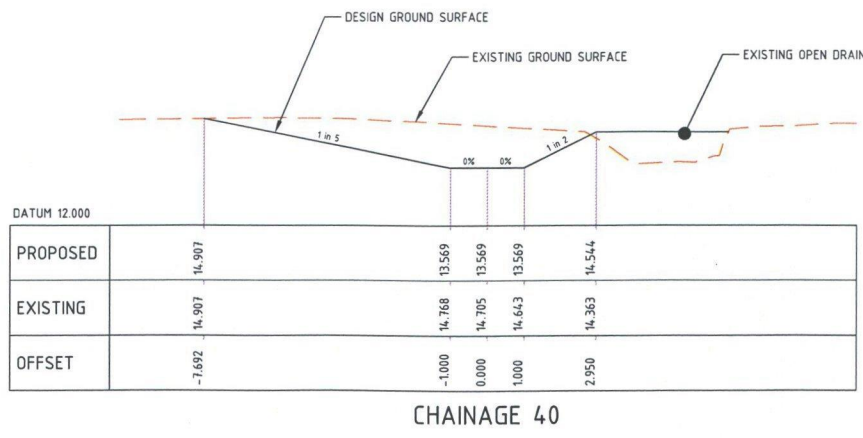
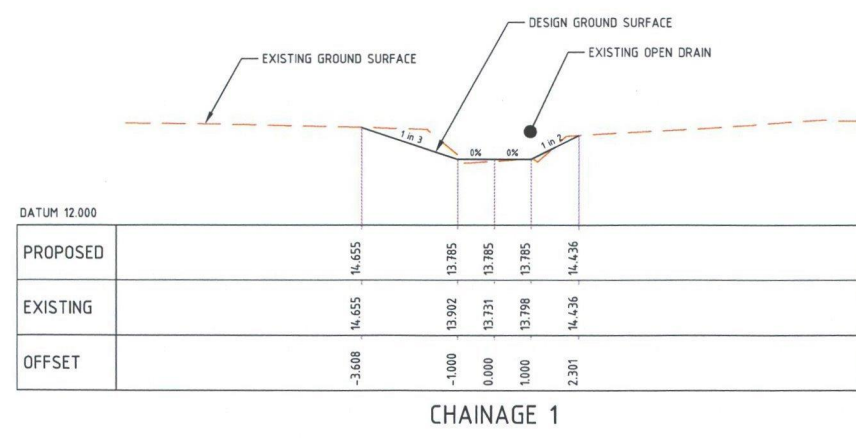
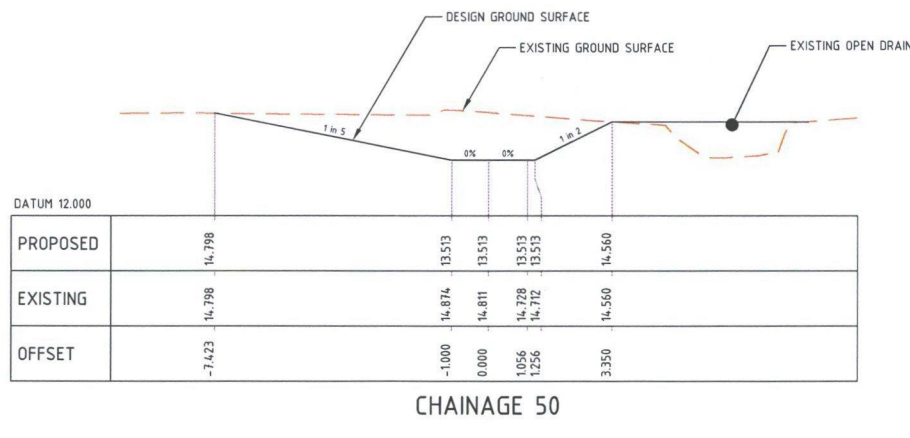
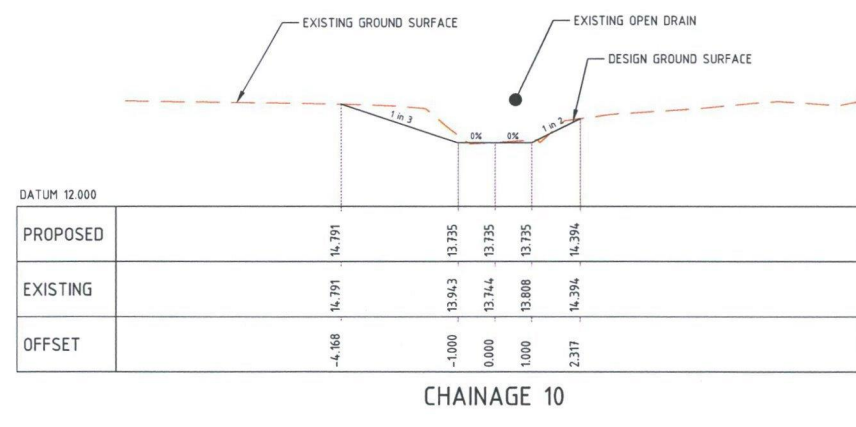
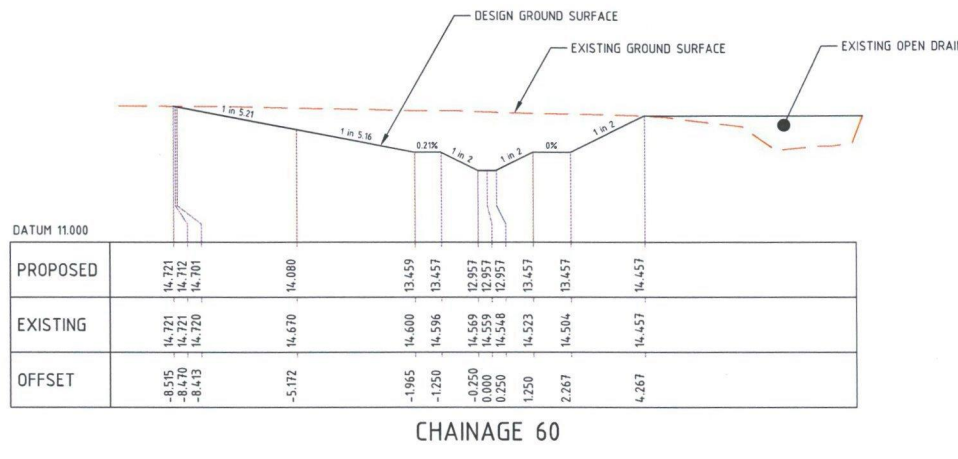
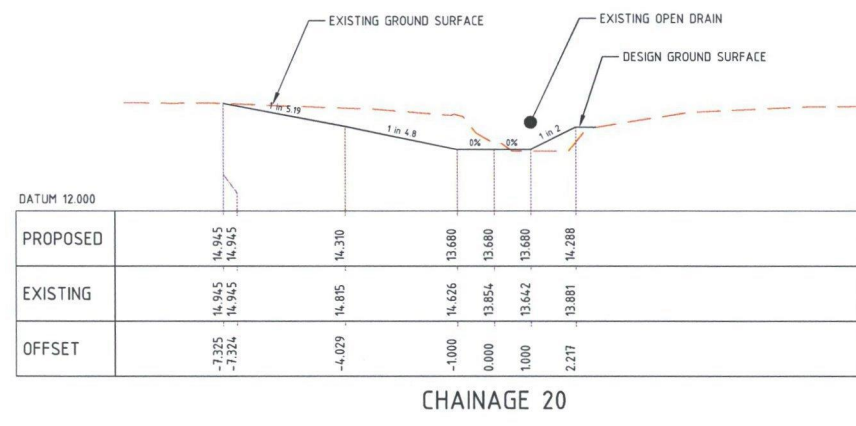
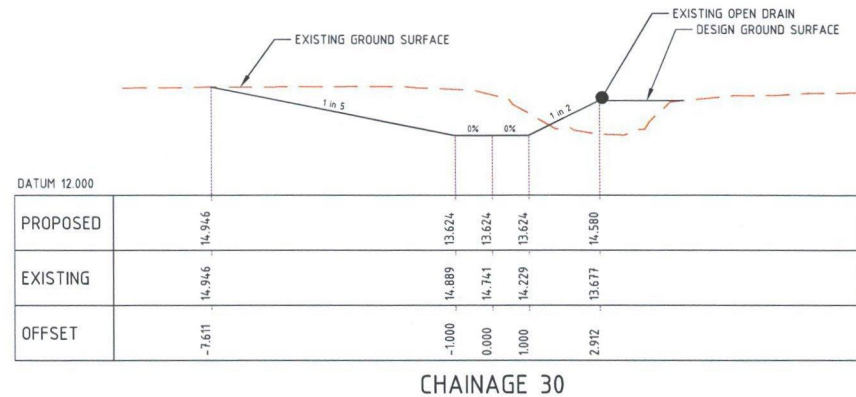
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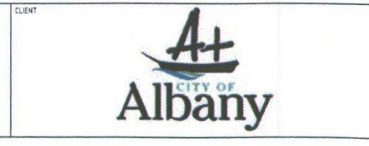
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NORTHERN CHANNEL SECTIONS
REFER TO DRAWING C-0007 FOR CROSS SECTION REFERENCE CHAINAGE LOCATIONS



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



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PROJECT
CENTENNIAL PARK DRAINAGE
ALBANY

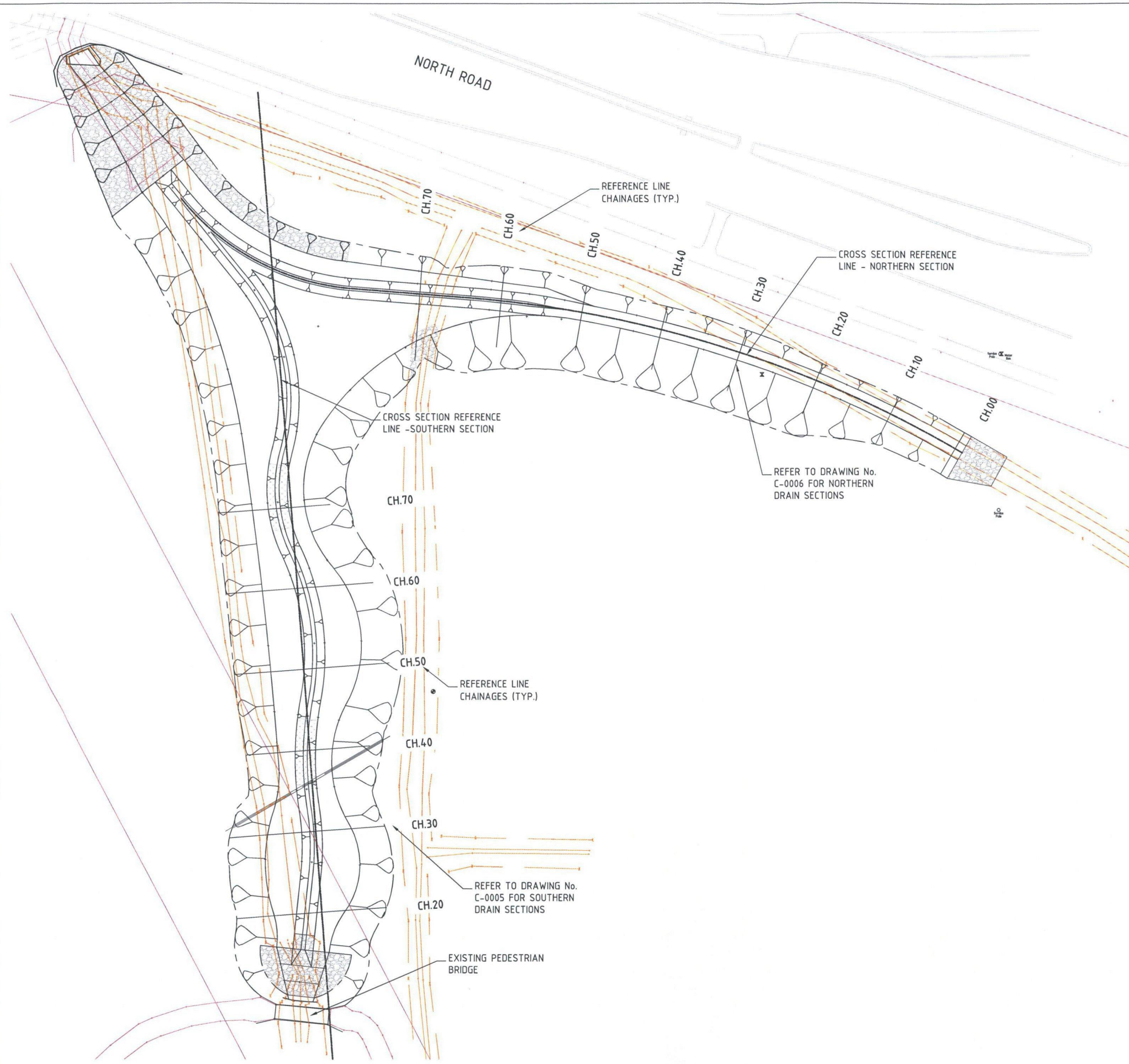
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NOT TO BE USED FOR CONSTRUCTION			
DESIGNED	CHECKED	APPROVED	
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PROJECT No.	P11493
DRAWING No.	C-0006
REV	C



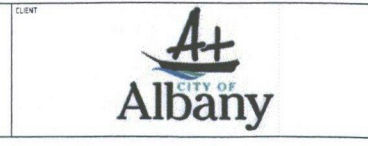
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REV	DATE	DESCRIPTION	RVD



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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	SHD	SCALE	
AHD	AMG	1250	

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REFERENCE LINE DETAILS		
CROSS SECTIONS		
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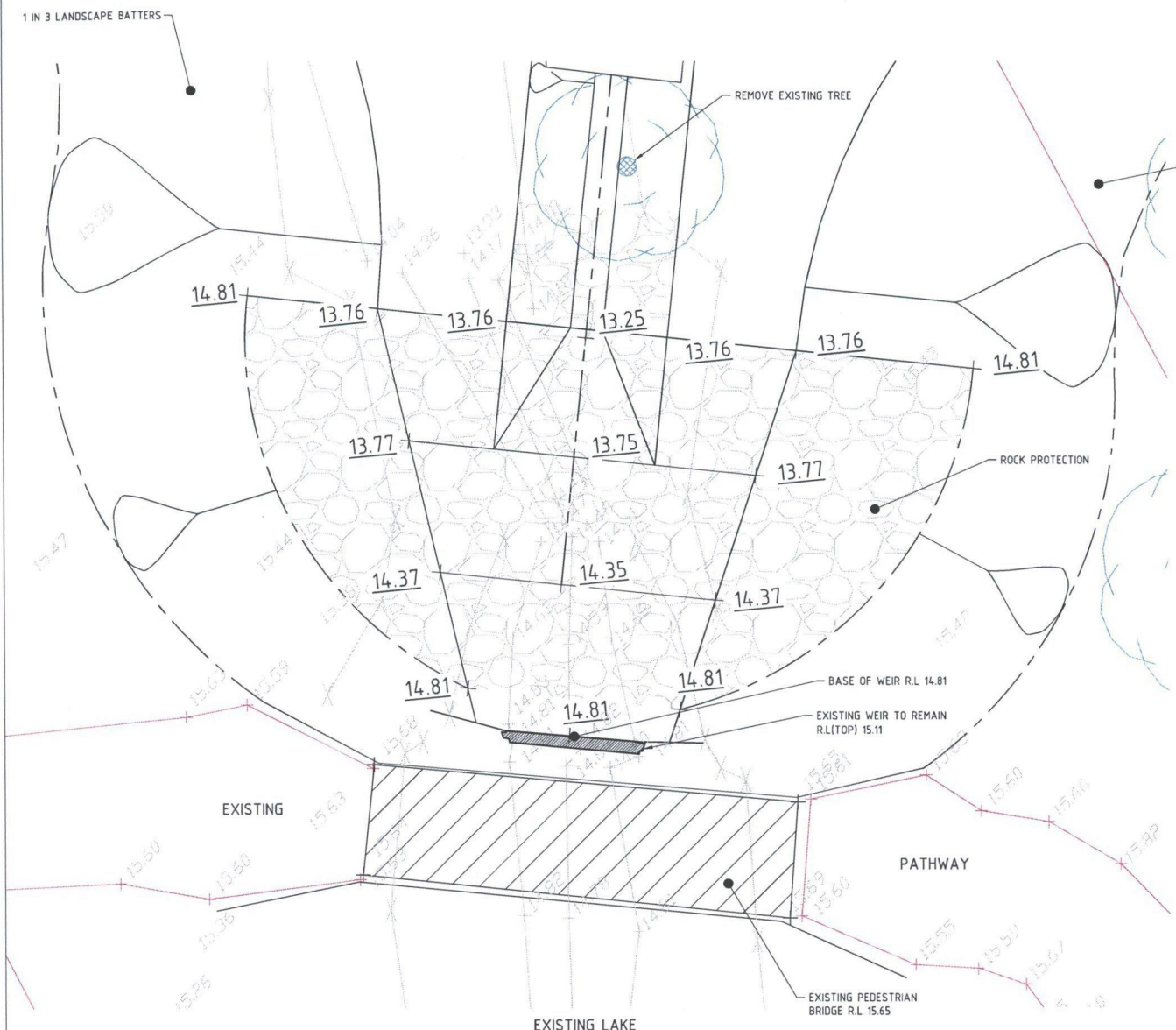
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AGENDA ITEM 2.8 REFERS
LEGEND

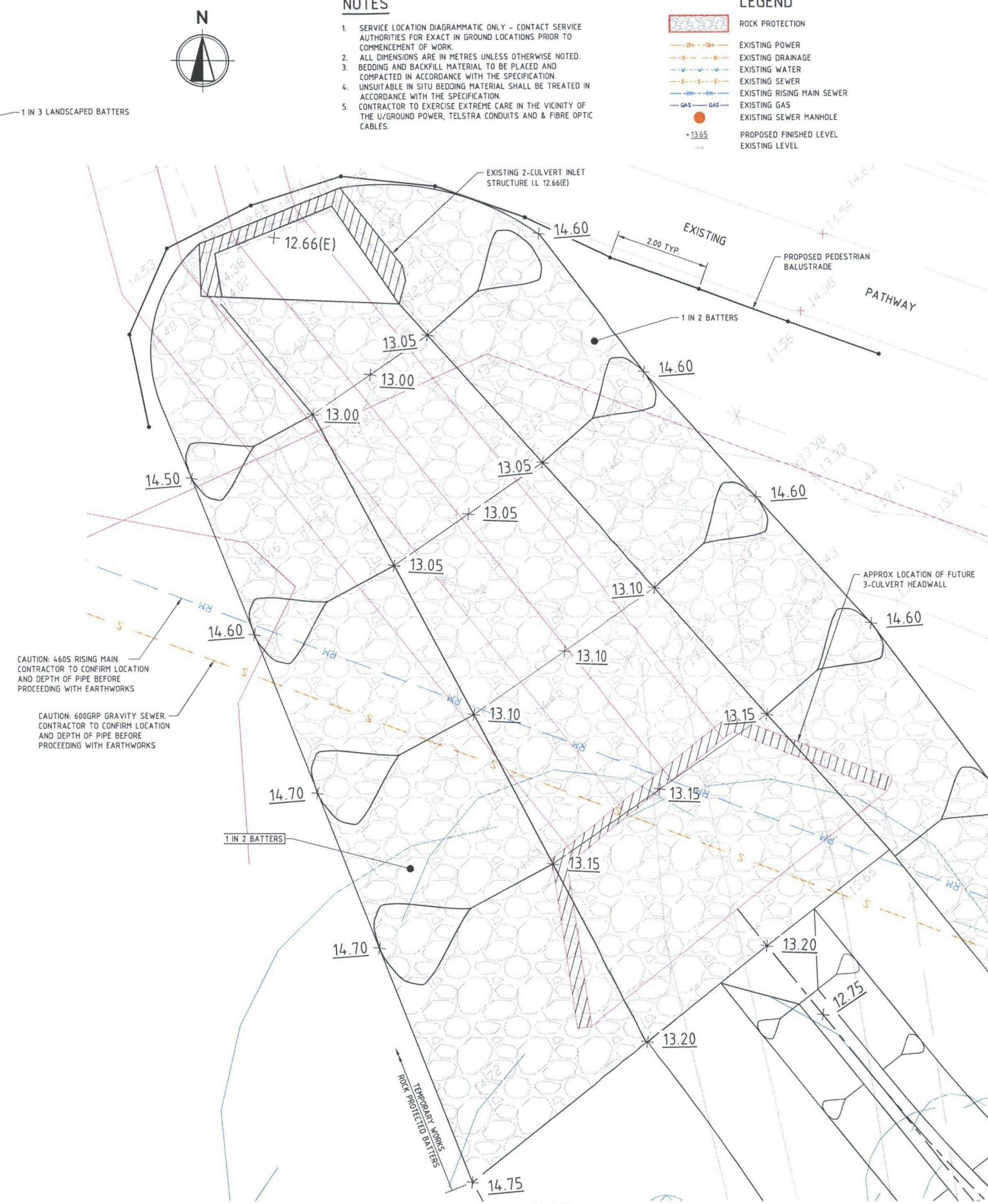
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- EXISTING WATER
- EXISTING SEWER
- EXISTING RISING MAIN SEWER
- EXISTING GAS
- EXISTING SEWER MANHOLE
- PROPOSED FINISHED LEVEL
- EXISTING LEVEL

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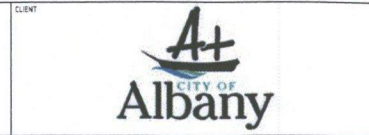
PLAN
1:50



PLAN
1:50

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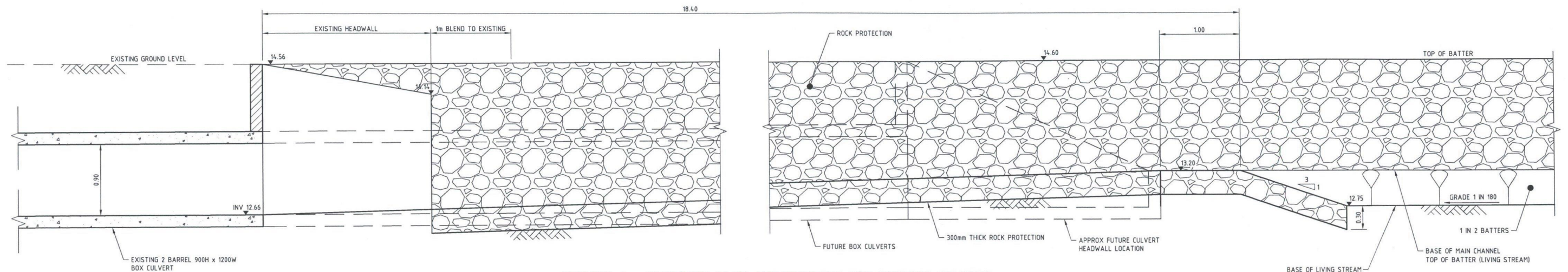
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CENTENNIAL PARK DRAINAGE
ALBANY

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NOT TO BE USED FOR CONSTRUCTION			
DESIGNED	CHECKED	APPROVED	
GC	AP	AP	X

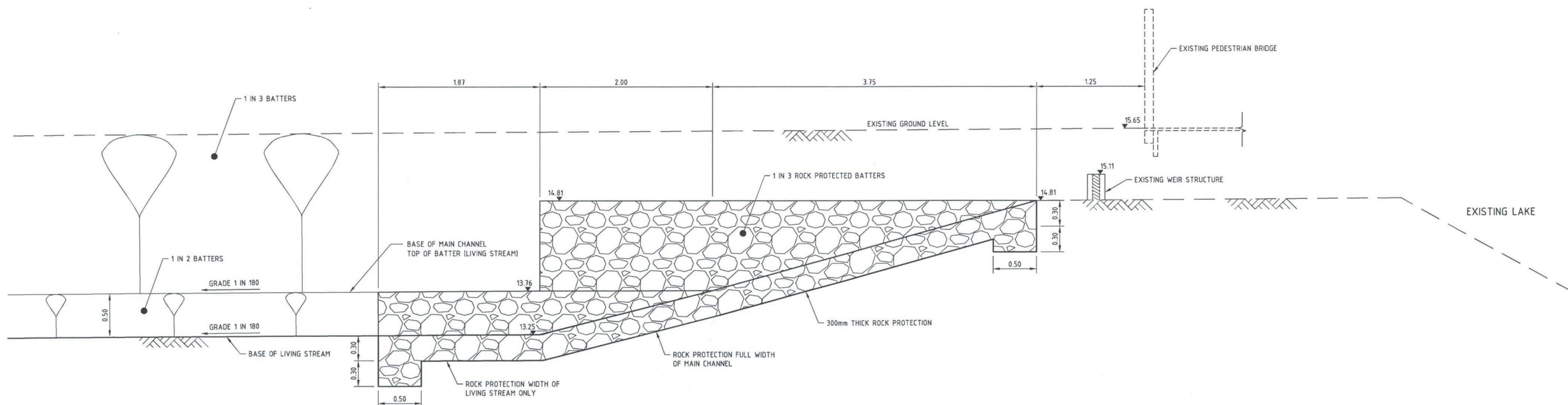
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P11493	C-0008	C

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5. ROCK PROTECTION TO BE IN ACCORDANCE WITH THE SPECIFICATION

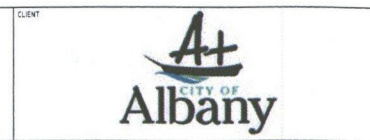


SECTION A - PROPOSED INLET ARRANGEMENT FOR EXISTING CULVERT
SCALE 1:25



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				
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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
SCALE			
AHD	AMG	1:25	AT 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

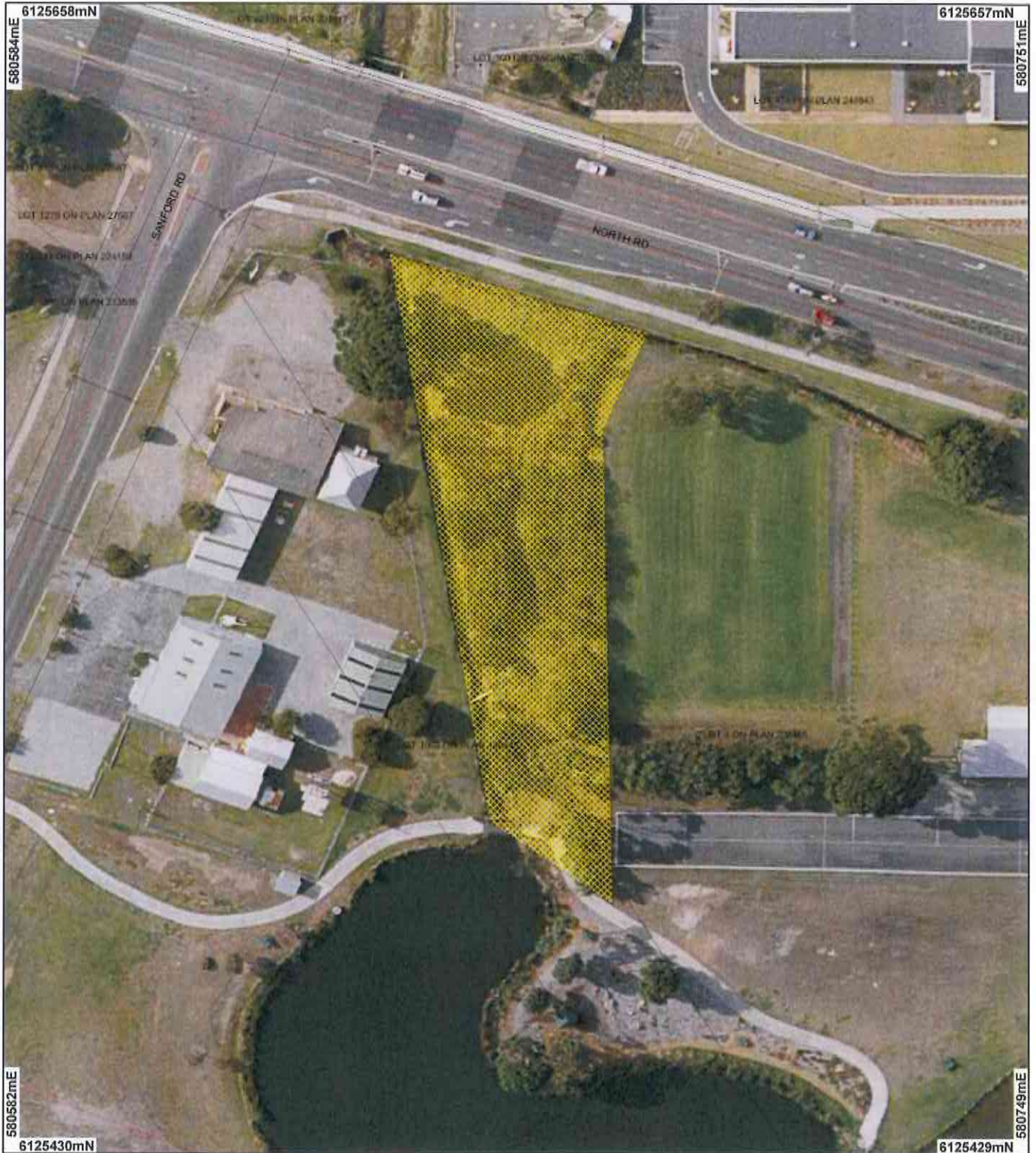
Nil.

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

M Warnock
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

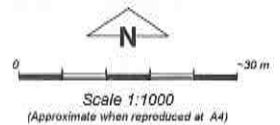
*Officer delegated under Section 20
of the Environmental Protection Act 1986*

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.





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

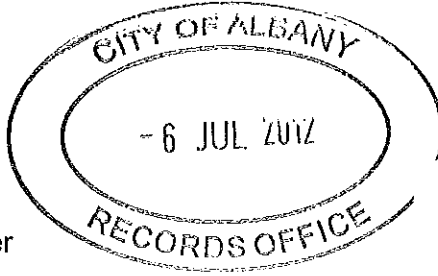
City of Albany (2011) flora survey and Vegetation Assessment For 94 Sanford Rd, Albany WA. DEC ref: A460147
 DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 10/1/2012.
 Keighery, B.J. (1994) 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

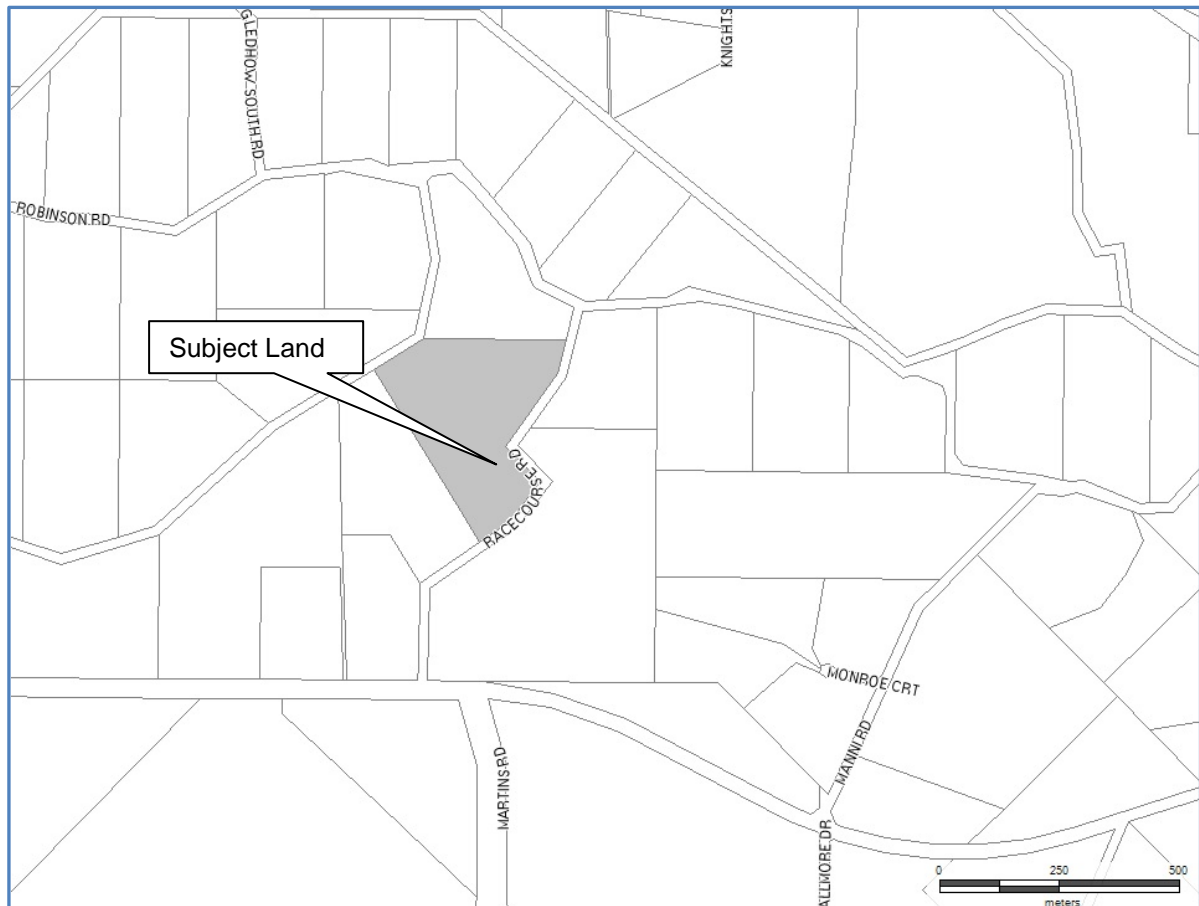
Disclaimer:

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

Land Description	: Lot 5 Racecourse Road, Robinson
Proponent	: Harley Global
Owner/s	: M Paynter & M Bennett
Business Entity Name	: N/A
Attachment (s)	: Schedule of Submissions
Councillor Workstation	: Copy of OCM 21/02/12 – Item 2.12 : Amendment Document (AMD314) : Copy of submissions
Responsible Officer(s)	: 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: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL

SECONDED: COUNCILLOR BOWLES

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.

CARRIED 12-0

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

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

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

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
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: 1. Mosquito-borne Disease Control Programs and Service 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>2. Scheme Amendments</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.

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>		

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: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR ATTWELL

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.**

CARRIED 12-0

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

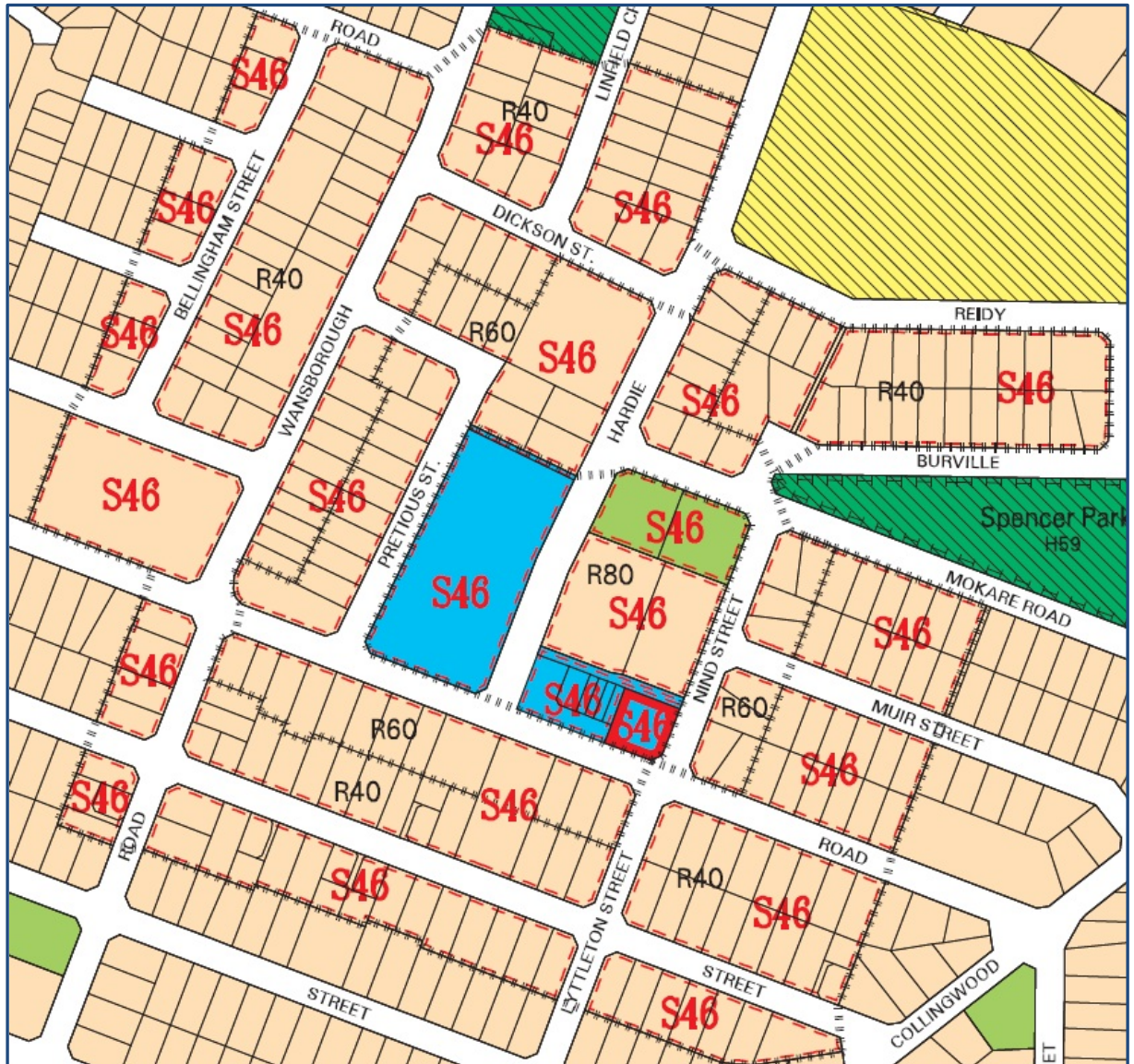
21. Should Council adopt the draft Precinct Plan for the purpose of public advertising, it will be referred to all relevant Government agencies for assessment and comment.

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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	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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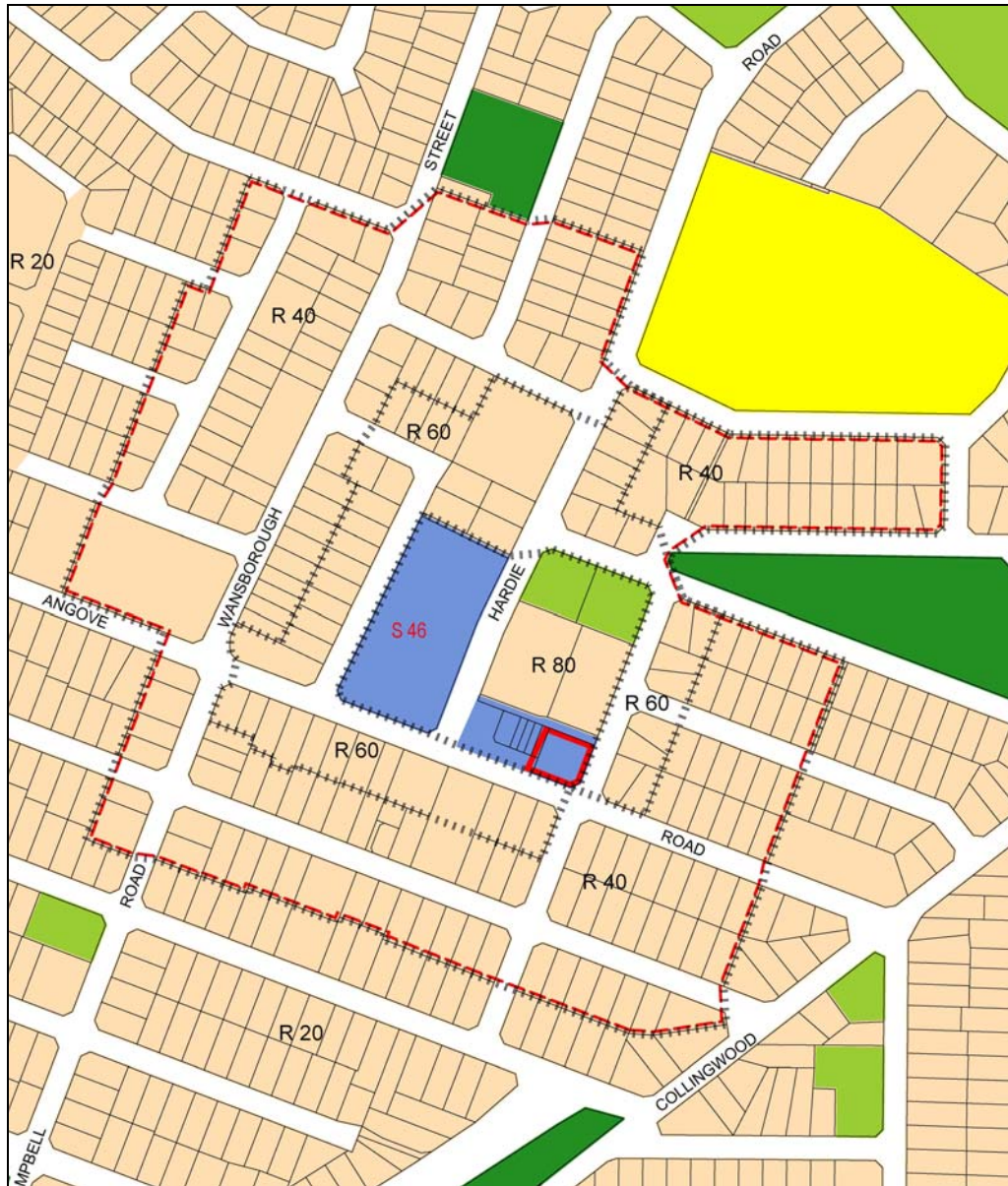
1. INTRODUCTION

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

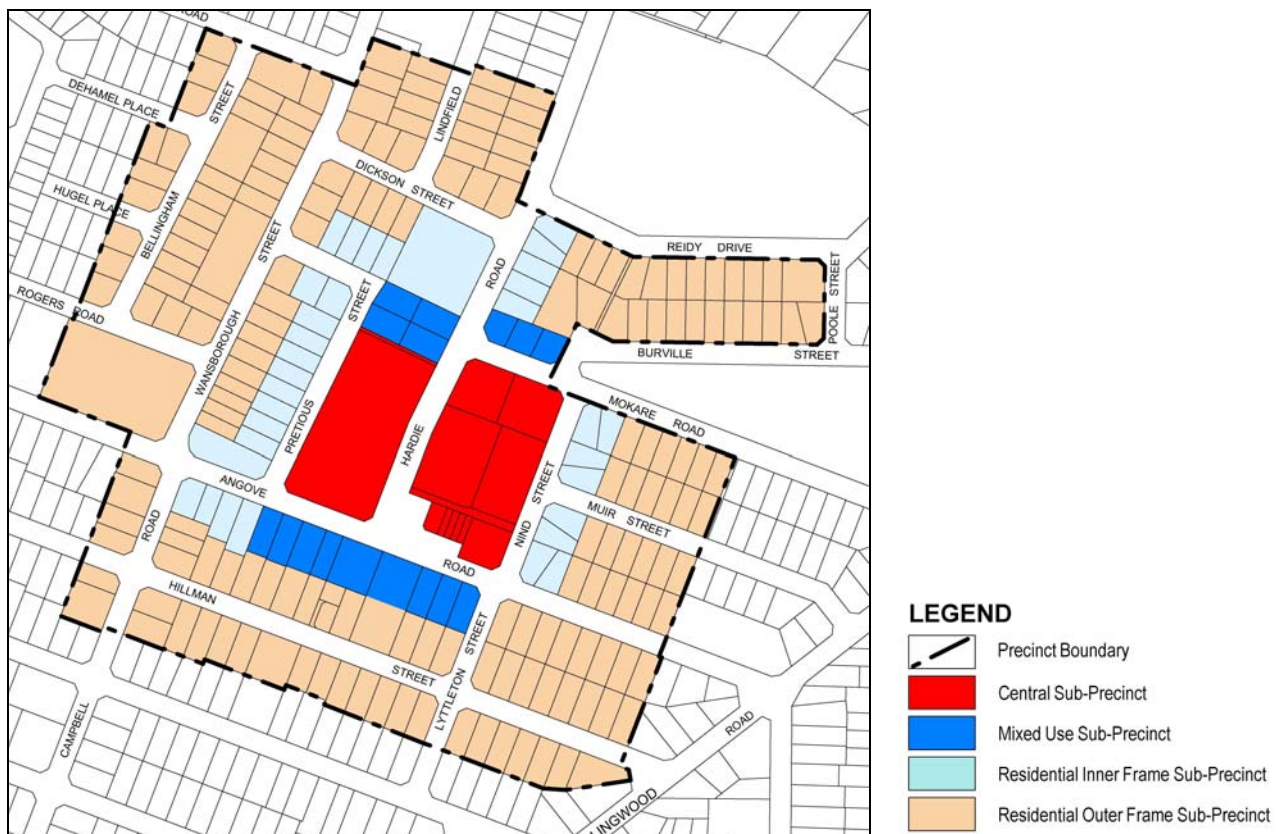
OTHER

- R 30 R Codes
- S 46 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

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 2055m² NLA and Table 1 - Shopping Centre of the Scheme Text allows for a maximum of 3500m² NLA, and Council may approve up to 5000m² 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 1680m² of NLA area to the Spencer Park Shopping Centre on Lot 50 and 445m² NLA to the strip Shopping Centre fronting Angove Road. Together that comprises a total additional floor space of 2125m² NLA, effectively doubling the existing retail floor space of the centre to 4180m² NLA. In addition, approximately 2000m² 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 20m² 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 3500m² NLA.

To meet the ultimate floor space of 5000m² 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	

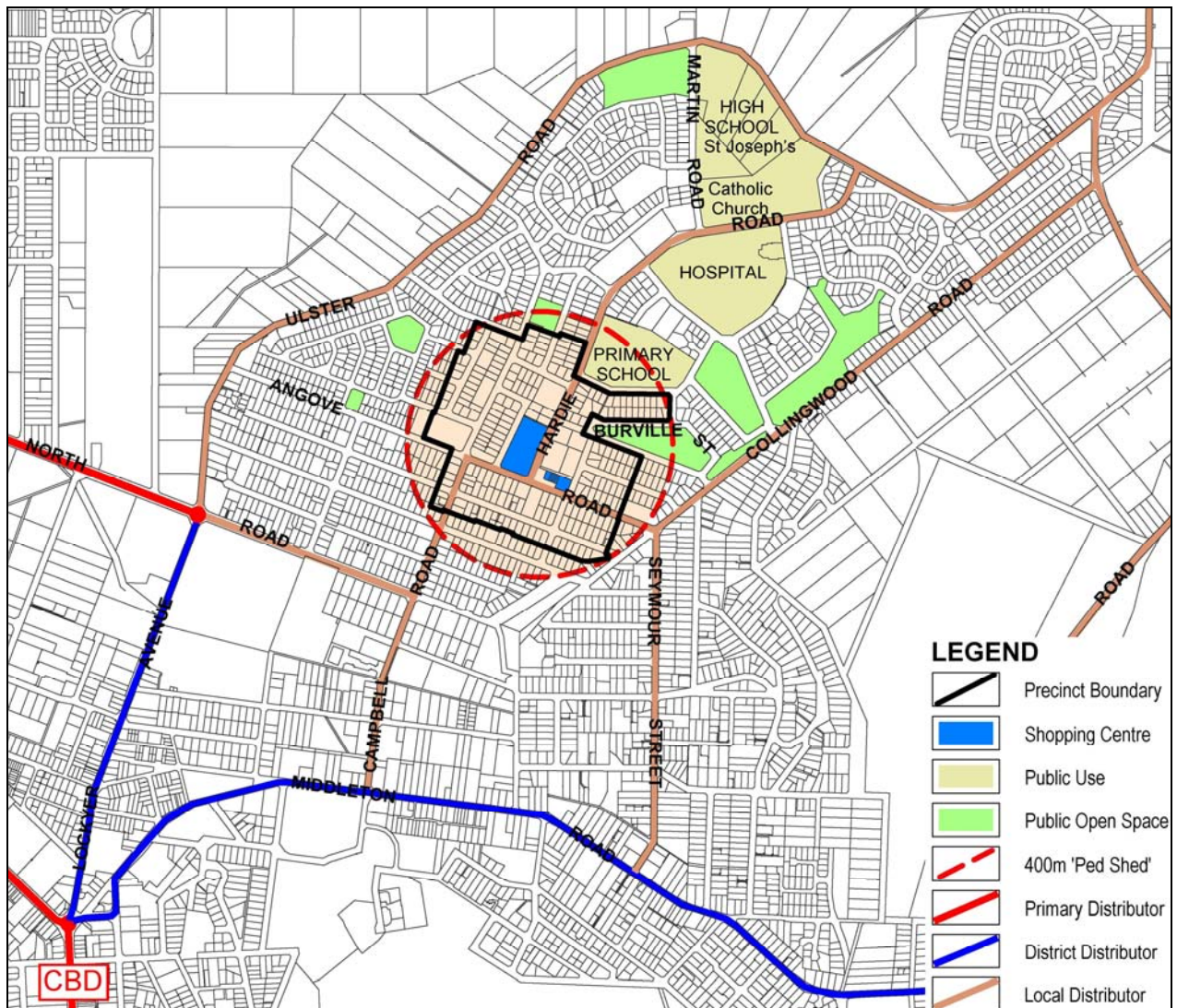
The symbols used in the cross-reference on the zoning table have the following meanings:

- 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 716m² to 766m² 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 900m² to 1000m² 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 700m² to 800m². A large strategically located lot of 2000m² 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 900m² to 1000m², the majority of lots within the Outer Frame Sub-Precinct range between 700m² to 800m². 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 500m² 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.

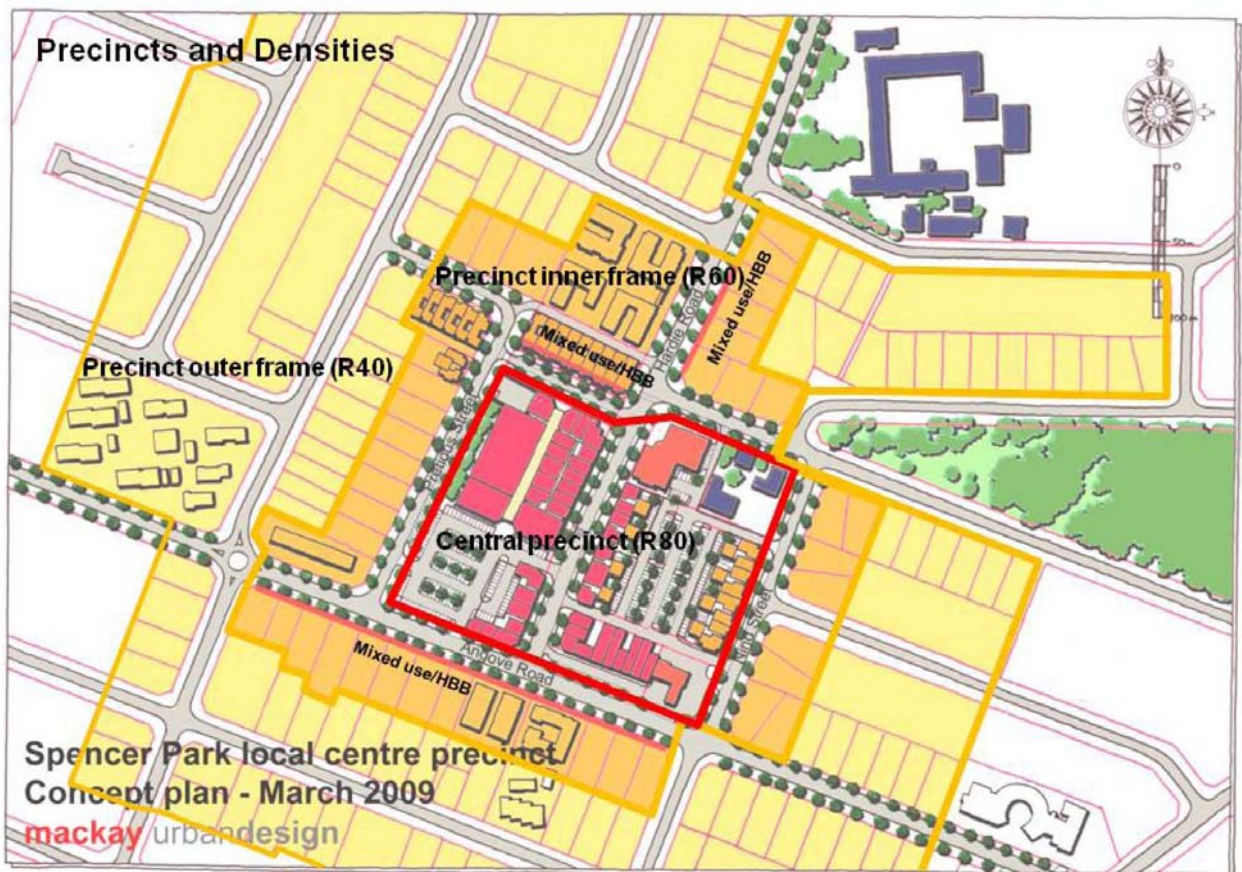
Footpaths are absent from most of the streets and the lack of street trees and concentration of Department of Housing property, some of which is in a poor condition, contributes to a drab residential appearance.

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

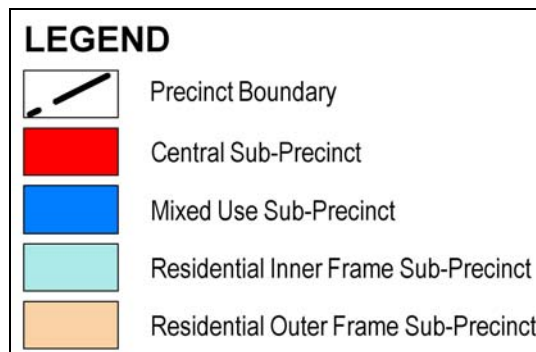
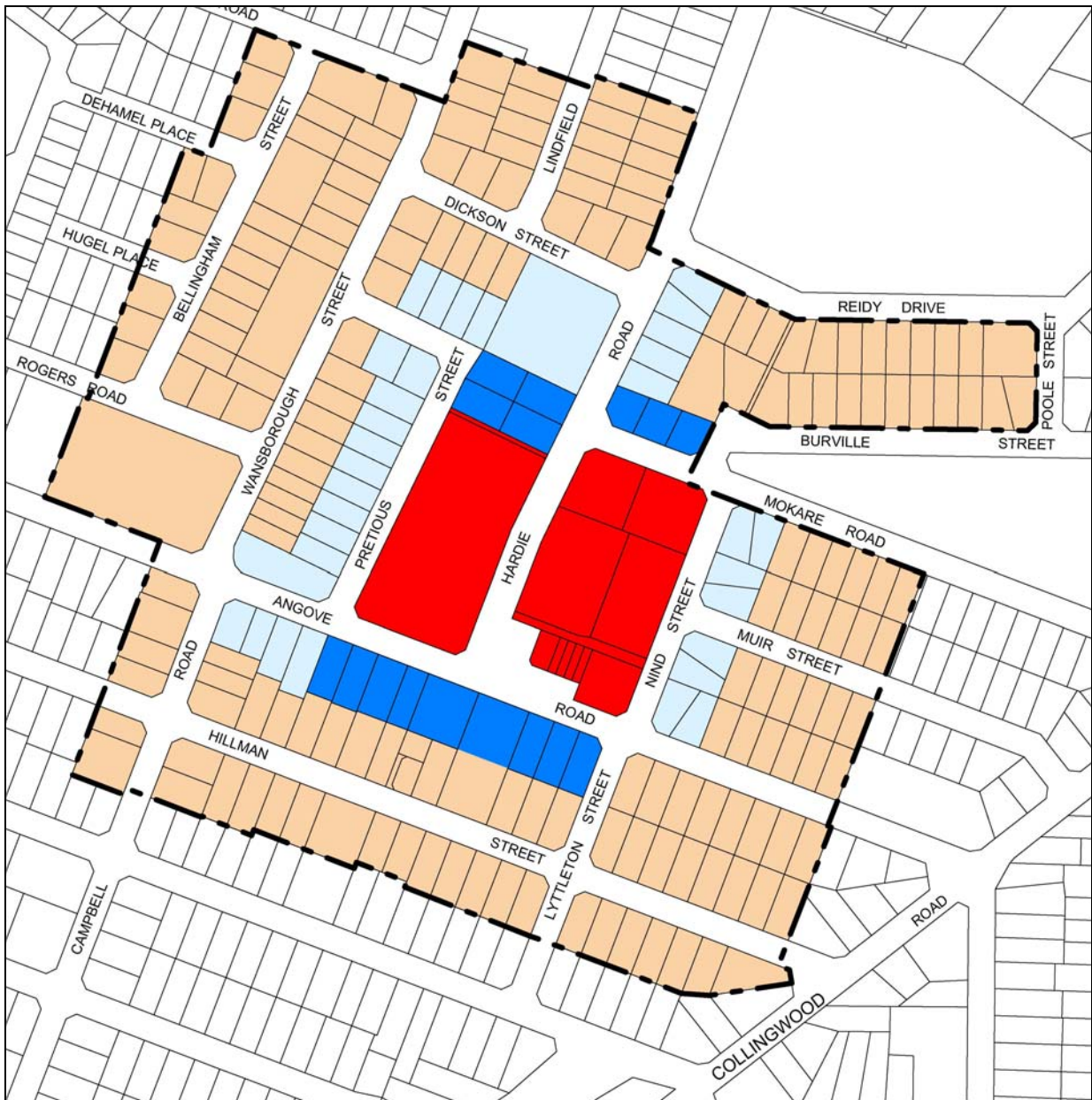
An indicative development plan for the Spencer Park Precinct has been prepared in order to illustrate how the key objectives and desired outcomes can be achieved within the centre.

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

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(IG)
ORIG A3
SCALE 1:1000
0 5 10 15 20 25

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’

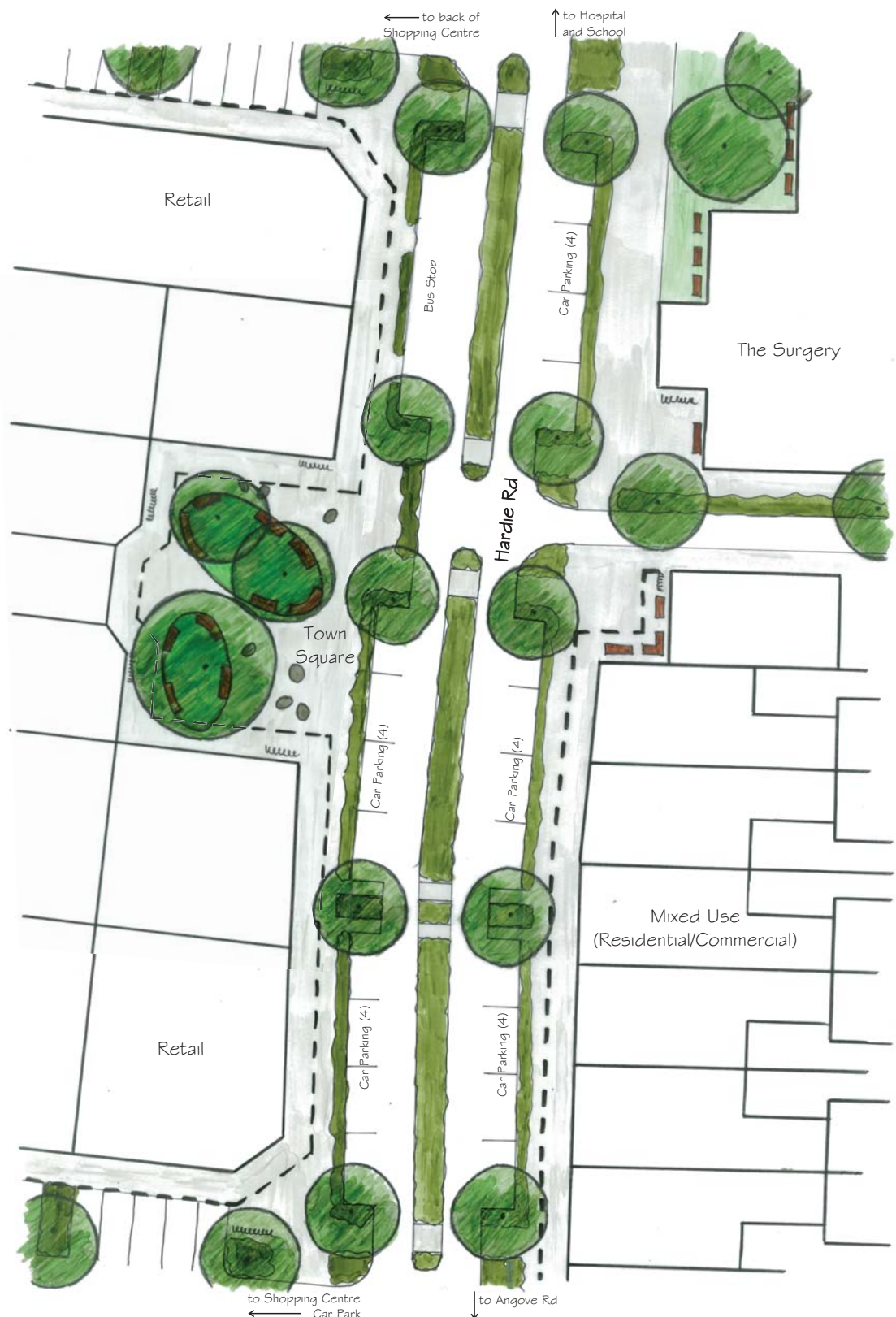
A more detailed landscape concept plan and cross section for the central portion of the proposal Hardie Road “Main Street” is attached overleaf. The plans illustrate the combination of actions required by landowners to develop their properties to front Hardie Road and works in the public realm to create 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)



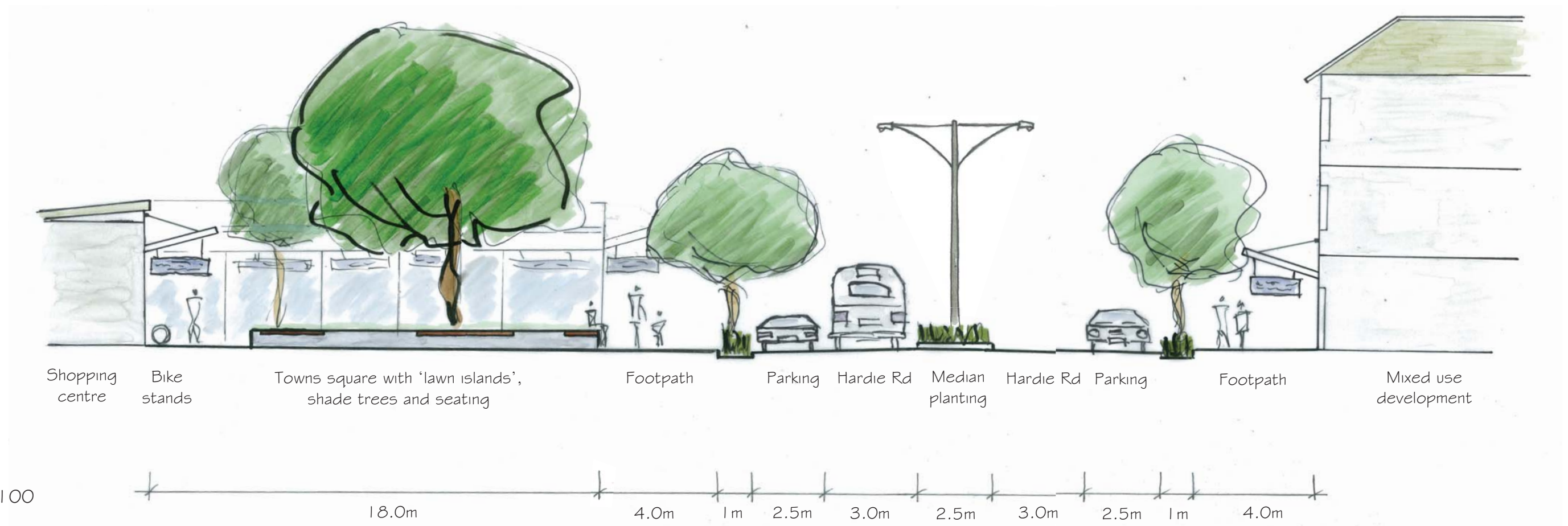
Seats around the 'lawn islands' and resting space atop



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.

CENTRAL SUB-PRECINCT DEVELOPMENT GUIDELINES
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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

MIXED USE SUB-PRECINCT DEVELOPMENT GUIDELINES
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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 150m² 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.



RESIDENTIAL INNER FRAME SUB-PRECINCT DEVELOPMENT GUIDELINES

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.

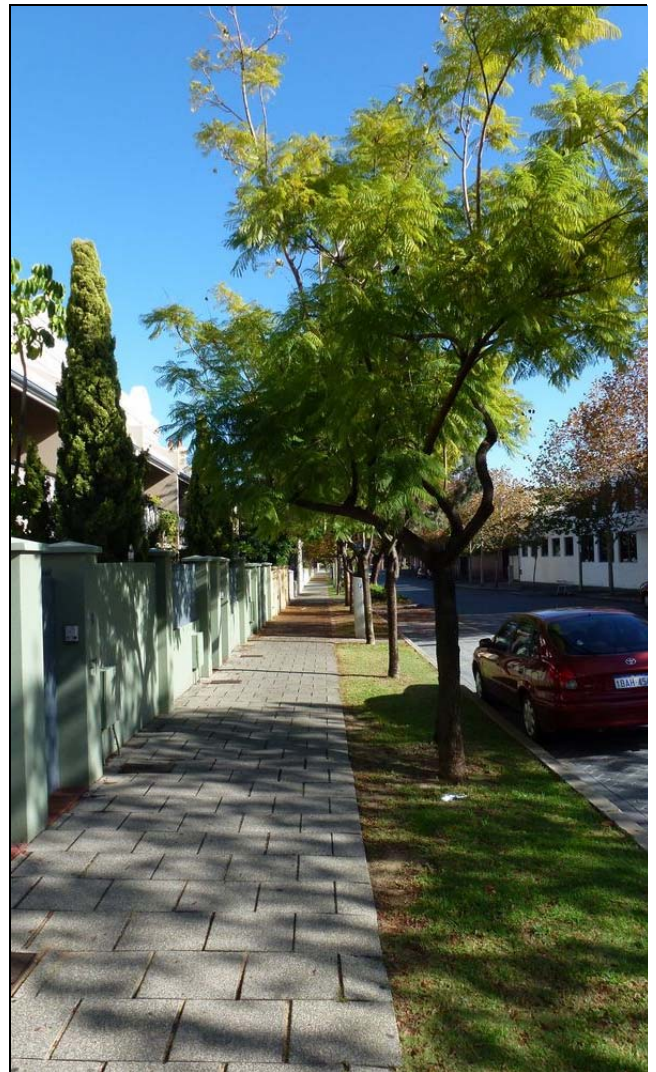


6.4 RESIDENTIAL OUTER FRAME SUB-PRECINCT

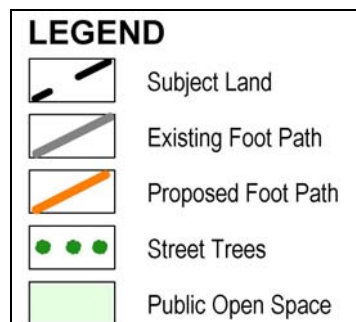
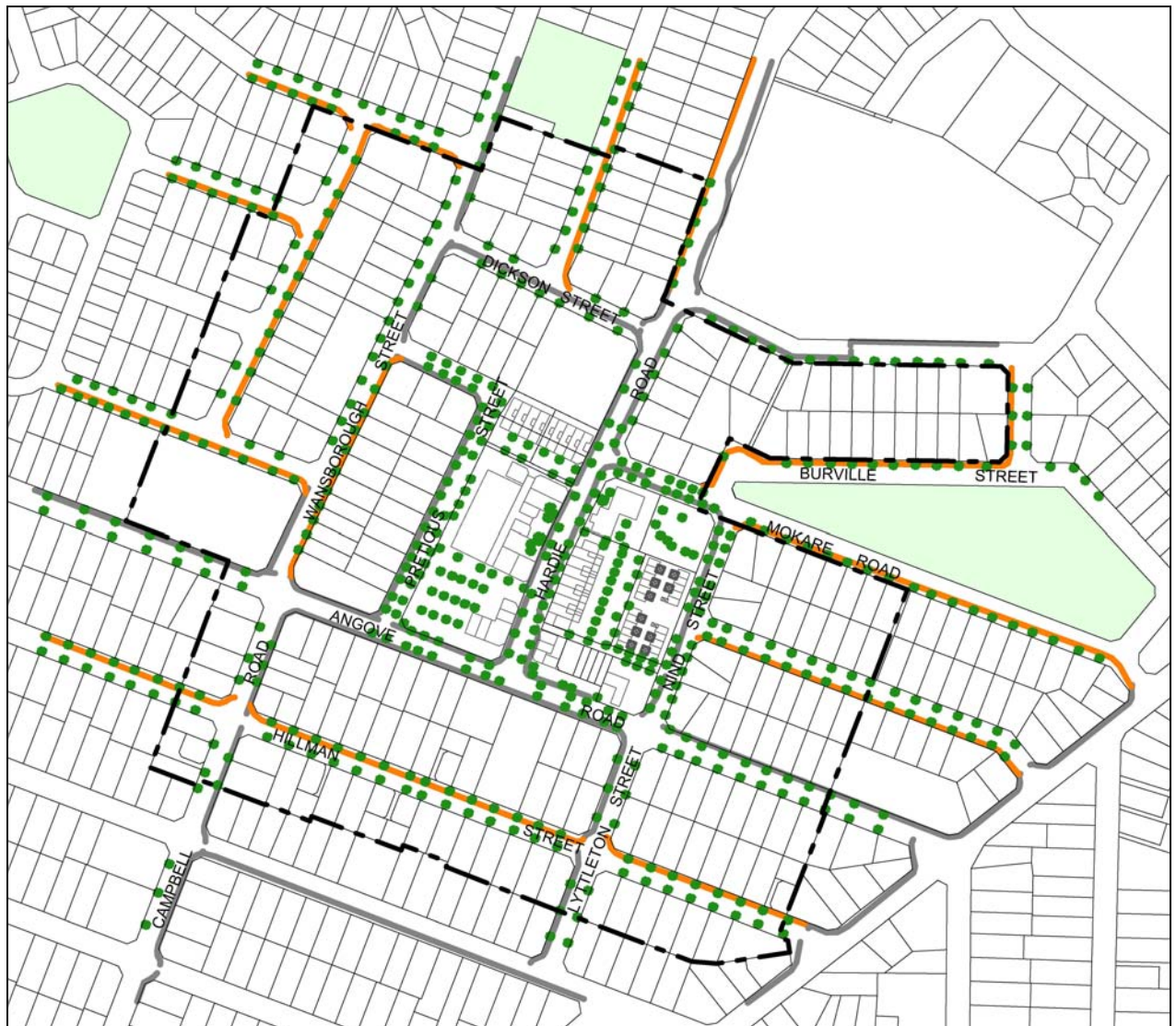
The Residential Outer Frame Sub-Precinct incorporates the balance of the Spencer Park Precinct Plan which is located within four hundred metres of the neighbourhood centre. As with the Inner Frame Sub-Precinct the primary role of the Outer Frame Sub-Precinct is to consolidate residential housing within 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

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Amended Outbuilding Policy
Appendices	: Nil
Councillor Workstation	: Nil
Responsible Officer(s)	: 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.

ITEM 2.11: PROCEDURAL MOTION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR ATTWELL

THAT this item lay on the table.

CARRIED 12-0

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 <450m² and lots between 2000m² and 4000m²;
 - 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 <450m² and for lots between 2000m² and 4000m².
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 <450m² and between 2000m² and 4000m²; 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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

Consulted References	:	Local Planning Scheme 1A and 3 Policy Manual
File Number (Name of Ward)	:	City of Albany
Previous Reference	:	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 10m² 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 10m² 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.

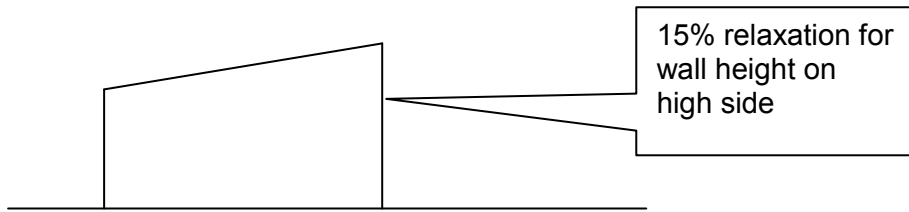
2 Policy Statement

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.

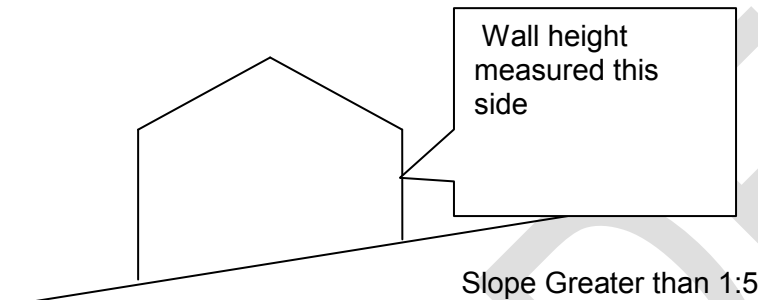
2.1 Acceptable Variations

The following variations may be approved at the Planning Officers discretion without being presented to Council:

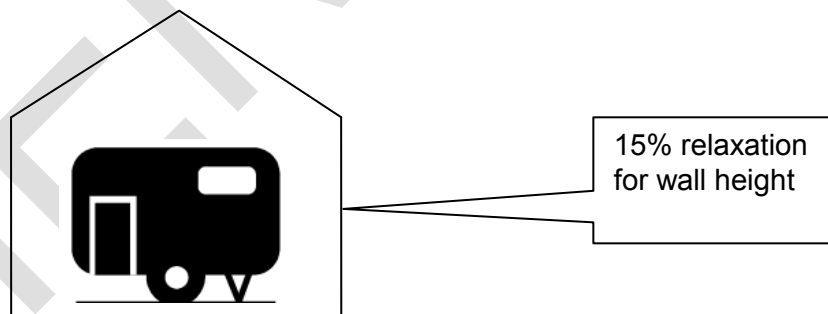
- 1) for roof forms other than a regular ridged roof, such as a mono-pitched (skillion) roof, a relaxation of the height of the wall (up to 15%) may be supported; or



- 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 4000m²; 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 600m² and the max outbuilding area is 100m², 6m² may be added (total 106m²); or
- 5) A discretionary allowance of an extra 5m² 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 ²)	3 metres	4.2 metres	60m ²	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 ²)	3 metres	4.2 metres	100m ²	If the floor area of an outbuilding is to exceed 60m ² 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 ² – 3999m ²)	3 metres	4.2 metres	120m ²	If the floor area of an outbuilding is to exceed 60m ² 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 ² – 4000m ²)	3 metres	4.5 metres	120m ²	If the floor area of an outbuilding is to exceed 60m ² 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 ² or greater)	3.5 metres	4.25 metres	150m ²	If the floor area of an outbuilding is to exceed 60m ² 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 ²	If the floor area exceeds 100m ² the use of non-reflective materials is required.
Conservation Zone	3.5 metres	4.5 metres	140m ²	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone (Lots less than 3999m ²)	4.2 metres	4.8 metres	120m ²	Refer relevant planning scheme requirements for siting and materials.
Special Residential (Lots greater than 4000m ²)	4.2 metres	4.8 metres	150m ²	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m ²	Refer relevant planning scheme requirements for siting and materials.

Special Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m ²	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots 4ha or greater)	4.2 metres	4.8 metres	240m ²	Refer relevant planning scheme requirements for siting and materials.
Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m ²	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m ²	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**

Attachments	:	<ul style="list-style-type: none">• Community Funding Guidelines (Attachment 1)• Funding Recommendations (Attachment 2)
Appendices	:	<ul style="list-style-type: none">• Community Funding Application Form (Appendix 1)• Community Funding Acquittal Form (Appendix 2)• Community Funding FAQ's (Appendix 3)• Community Funding Communications Schedule (Appendix 4)
Responsible Officer	:	Acting Executive Director Community Services (C Woods)

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 2.

**ITEM 3.1: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR CALLEJA**

THAT Council ENDORSE Community Funding recommendations as outlined in Attachment 2.

CARRIED 12-0

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:

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.
3. 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

4. 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.
5. 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.
6. 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.
7. 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.
8. 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

9. 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.
10. 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.
11. Assessment of applications was conducted by a panel including:
 - Councillor Sarah Bowles;
 - Acting Executive Director of Community Services, Cameron Woods; and
 - Manager of Cultural and Community Development, Adam Cousins
12. The Panel used a matrix to assess each application against 13 criteria.
13. The Panel was required to submit a Disclosure of Interest form in instances where an Interest was declared.

Delivery

14. The Community Funding Program was promoted as per the Communications Schedule in Appendix 4.
15. 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.
16. Applicants could speak to City Officers to discuss their application but this was not a requirement for funding.
17. The Assessment Panel met on Thursday 12 July to determine recommendations for funding.

Outcomes

18. 28 applications were received requesting total funding of \$142,420 with a total project value of \$490,836.
19. 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.
20. Nine applications met the eligibility criteria but were not recommended for funding by the panel.
21. Eleven applications met the eligibility criteria and have been recommended for funding.

Community Funding Recommendations

22. An outline of all applications received highlighting applications recommended for funding is outlined in Attachment 2.
23. 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

24. In determining recommendations from eligible applications the Assessment Panel considered the following items as outlined in the funding guidelines:
- 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.
25. 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

26. A summary of panel commentary for each application is noted in Attachment 2.
27. 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.
 - 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.

- 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.
- Recommendations for funding in 2012-2013 are more representative of broader community activity than previous 'Community Events' Funding.

GOVERNMENT CONSULTATION

28. Not applicable.

PUBLIC CONSULTATION/ENGAGEMENT

29. 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

30. Nil.

STRATEGIC IMPLICATIONS

31. 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

Community Priority	Proposed Strategy	Timeframe
KEY FOCUS AREA: Community Focussed Organisation		
<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>
KEY FOCUS AREA: Community Focussed Organisation		
<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>
KEY FOCUS AREA: Lifestyle and Environment		
<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>

32. 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

- 33. 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.
- 34. 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

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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

- 36. 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).
- 37. Recommendations for Funding are within budget from City of Albany 127120 Expenses - Community Financial Assistance.
- 38. Management and oversight of Community Funding is undertaken using existing staff resources within the Community Services Directorate within existing allocated budgets.

LEGAL IMPLICATIONS

- 39. Nil.

ALTERNATE OPTIONS

40. 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.
41. 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

42. 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'.
43. 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.
44. Funding recommendations represent a fiscally responsible approach balanced against the capacity for projects to be delivered.
45. 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.
46. It is recommended that Council endorse funding applications as recommended by the Funding Panel and outlined in Attachment 2.

<i>Consulted References</i>	:	<i>Community Financial Assistance and Events Funding Program Synergy Ref: NP098841_4</i>
<i>File Number (Name of Ward)</i>	:	<i>N/A</i>
<i>Previous Reference</i>	:	<i>OCM 19/06/2012 – Item 1.5 OCM 20/09/2011 – Item 1.4.4</i>



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	emilyh@albany.wa.gov.au

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

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
Community Funding Program \$35,000										
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
TOTAL OF ALL APPLICATIONS				\$ 490,837.30	\$ 142,420.00				\$ 35,000.00	

**3.2: COMMUNITY SPORTING AND RECREATION FACILITIES FUND
2012/13 SMALL GRANT APPLICATIONS ROUND TWO**

Proponent : City of Albany
Attachments : • Merrifield Park Tennis Club Inc Assessment Sheet
Responsible Officer : Acting Executive Director Community Services
(Cameron Woods)

IN BRIEF

To seek Council endorsement of the priority ranking for the submitted Country Sport and Recreation Facility Fund (CSRFF) applications

RECOMMENDATION

ITEM 3.2: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR BOWLES

THAT Council requests the applicant review their application so that it meets the current requirement of providing two thirds funding from its own reserves and resubmits in the Small Grants Round 2 in January 2013.

CARRIED 12-0

BACKGROUND

1. The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Sport and Recreation. CSRFF have three rounds of available funds including two small grant funding rounds per year and its annual and forward planning funding round.
2. The current round of funding applications is for the small grant round with the financial value of the total project being from \$5,000 up to \$150,000.
3. Applicants must be either a local government authority or a not-for-profit sport, recreation or community organisation incorporated under the WA Associations Incorporation Act 1987.
4. Clubs must demonstrate equitable access to the public on a short term and casual basis.
5. The land on which the facility is to be developed must be one of the following:
 - Crown reserve
 - Land owned by a public authority
 - Municipal property
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
6. Applicants must liaise with their Local Government regarding planning and building approvals pertinent to their project.
7. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.

8. The Department of Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
9. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants prior to 31 August 2012.
10. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the Department of Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

11. The grant guidelines require Council to provide a ranking for the projects.
12. A total of one (1) application was received prior to the submission deadline.
13. The Department of Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:

- Project justification
- Planned approach
- Community input
- Management planning
- Access and opportunity
- Design
- Financial viability
- Coordination
- Potential to increase physical activity
- Sustainability

with overall project rating, being:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more planning work needed
- Not recommended.

14. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Merrifield Park Tennis Club Inc	Refurbishment of Courts 1 and 2.	Needed by applicant more work required.

15. A completed Project Assessment Sheet for the application is attached:

- Merrifield Park Tennis Club Inc Project Assessment Sheet (Attachment 3.1.1)

GOVERNMENT CONSULTATION

16. The Department of Sport and Recreation's Regional Manager for the Great Southern was consulted on site.
17. The Department and the City has previously supported this applicant with the resurfacing of courts 3 and 4. These courts are now in poor condition and will require additional funding to repair.
18. The Department of Sport and Recreation have advised that they would not consider any funding for resurfacing of courts 3 and 4. The City would also support this view.

PUBLIC CONSULTATION / ENGAGEMENT

19. A total of one (1) application was received from Merrifield Park Tennis Club. The Manager of Recreation Services Cameron Woods met the applicant on site at the Merrifield Park Tennis Club to discuss the application.
20. At this meeting the club was advised that the City of Albany still had a moratorium on funding assistance for CSRFF grants and therefore the applicant would be required to provide two thirds of the funding.

STATUTORY IMPLICATIONS

21. While there is no statutory requirement, Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
22. It should be noted that the Department of Sport and Recreation will make the final decision on funding allocation.

STRATEGIC IMPLICATIONS

23. This item directly relates to the following element from the Albany Insight – Beyond 2020 Corporate Plan.

- 1. Lifestyle and Environment
 - 1.2 *Young adults are well catered for*
 - 1.3 *Recreation facilities provide a diverse range of sporting and exercise opportunities*
 - 1.5 *Development...*
 - *Incorporates healthy lifestyle activities and access to green spaces.*
- 4. Governance
 - 4.3 *Deliver excellent community services that meet the needs and interests of our diverse communities.*

POLICY IMPLICATIONS

24. The Recreation Planning Strategy adopted in 2008 has been applied in ranking the submission.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support the applicant and the condition of the courts deteriorates over time to an unsafe condition which affects the ability of the club to service its members and conduct junior development.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Request club resubmit in round two with further funding.</i>

FINANCIAL IMPLICATIONS

25. Approximately eight hours (\$640) of a staff members time has been utilised reviewing the proposal.

26. The following table provides detail of the application received and indicates that the applicant has requested a one third City of Albany financial contribution.

27. The City of Albany has a moratorium on funding for CSRFF grants therefore Council would need to reconsider this moratorium if it was to support this application in its current form.

Organisation	Project detail	Total project cost (ex GST)	Applicant contribution (ex GST) [inc voluntary component]	CSRFF Grant (ex GST)	Proposed Other state or federal funding (ex GST)	Proposed Council contribution (ex GST)
Merrifield Park Tennis Club Inc	Refurbishment of Courts 1 and 2.	\$36560	\$12816	12186	12186	Nil

LEGAL IMPLICATIONS

Nil

ALTERNATE OPTIONS

28. That Council ranks this application 1 of 1 and supports the applicants request for one third funding in this round.
29. Should Council consider the alternate option and support the application, the City will be required to rescind the current moratorium on CSRFF funding support and communicate this to all registered sporting clubs and incorporated associations.

SUMMARY CONCLUSION

30. The Department of Sport and Recreation has provided the City of Albany with an opportunity to assess the received application and to rank applications in priority order for the municipality.
31. The application submitted by the Merrifield Park Tennis Club to refurbish the run off areas on the playing surfaces and improve drainage for courts one and two only, satisfactorily meets the criteria provided by the Department of Sport and Recreation. This project's rating is considered needed by the applicant but more planning is required.
32. The applicant was advised that the City of Albany still has a moratorium on all CSRFF funding applications and would be required to fund two thirds of the project cost. The application was submitted requesting one third contribution from the City.
33. Should Council consider the alternate option and support the application, the City will be required to rescind the current moratorium on CSRFF funding support and communicate this to all registered sporting clubs and incorporated associations.
34. The Department of Sport and Recreation requires a response from the City of Albany on the priority ranking order by 31 August 2011.

Consulted References	City of Albany Recreation Planning Strategy
File Number (Name of Ward)	GR.STL.13
Previous Reference	This CSRFF round has not previously been presented to Council

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please attach copies of council minutes relevant to the project approval.

Name of Local Government Authority: City of Albany
Name of Applicant: Merrifield Park Tennis Club Inc

Note: The applicant’s name cannot be changed once the application is lodged at DSR.

SECTION A

The CSRFF principles have been considered and the following assessment is provided:
 (Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Access and opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Development applications only

	Satisfactory	Unsatisfactory	Not relevant
Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Interest Group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION B

LGA – priority ranking of this project	
Priority ranking of no of applications received	0 of 1 applications received
Is this project consistent with the	<input type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan <input type="checkbox"/> State Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what approvals are still outstanding?	

Project Rating (Please tick the most appropriate box to describe the project)

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

LGA comments:

The Merrifield Park Tennis facilities are in need of major upgrades on courts three and four to address continual cracking of the top surface. Additional resurfacing of courts three and four would not address the obvious failure of the courts sub base.

Courts one and two are in far better condition apart from the run off areas at the back of the service lines which have been affected by tree root invasion. The clubs application is to rectify these areas with a view to make them less of a hazard for tripping etc.

The club is to be commended for their application in this regard.

If the City did have the funding to support this application it would provide two playing surfaces of a higher standard. It would not address the fact that the other two courts would further deteriorate over time.

The medium to long term planning for Tennis in the City of Albany would be for an amalgamation of at least two of the three larger clubs to create a new regional tennis facility.

The Department of Sport and Recreation, Tennis West, Merrifield Park Tennis Club and the City of Albany support this approach.

The City would rank this application 1 from 1 and request DSR support the application provided it could contribute two thirds funding from its own reserves.

Signed

Position Director of Community
Services

Date 7/08/2012

Applications for CSRFF funding must be submitted to your Department of Sport and Recreation office by **4pm on the last working day in August**. Late applications cannot be accepted in any circumstances.

DSR Offices

PERTH OFFICE

246 Vincent Street
Leederville WA 6007
PO Box 329
Leederville WA 6903
Tel: (08) 9492 9700
Fax: (08) 9492 9711

PEEL

Suite 3
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94 Mandurah Terrace
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Mandurah WA 6210
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Fax: (08) 9550 3199

PILBARA

2/3813 Balmoral Road
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Karratha WA 6714
Tel: (08) 9182 2100
Fax: (08) 9182 2199

SOUTH WEST

80A Blair Street
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Bunbury WA 6230
Tel: (08) 9792 6900
Fax: (08) 9792 6999

GREAT SOUTHERN

22 Collie Street
Albany WA 6330
Tel: (08) 9892 0100
Fax: (08) 9892 0199

GASCOYNE

4 Francis Street
PO Box 140
Carnarvon WA 6701
Tel: (08) 9941 0900
Fax: (08) 9941 0999

GOLDFIELDS

106 Hannan Street
PO Box 1036
Kalgoorlie WA 6430
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KIMBERLEY – Kununurra

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Cnr Konkerberry Drive and
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WHEATBELT - NORTHAM

298 Fitzgerald Street
PO Box 55
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WHEATBELT – NARROGIN

Government Offices
Level 2, 11-13 Park Street
Narrogin WA 6312
Telephone 0429 881 369
Facsimile (08) 9881 3363

MID-WEST

Mid West Sports House
77 Marine Terrace
PO Box 135
Geraldton WA 6531
Tel: (08) 9956 2100
Fax: (08) 9956 2199

KIMBERLEY – Broome

Unit 2, 23 Coghlan Street
PO Box 1476
Broome WA 6725
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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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DUFTY

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.

CARRIED 12-0

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
	TOTAL	<u>\$4,113,539.56</u>

- 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
TOTAL	\$673,920.23

- 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.

File Number (Name of Ward)	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	Leucoxydon 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	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY 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

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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

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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

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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

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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
			Total	19,693.29

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
TOTAL			\$ 6,255.26

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	
TOTAL		884,697.85

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: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON

SECONDED: COUNCILLOR DOWLING

THAT the Financial Activity Statement for the period ending 31 July 2012 be RECEIVED.

CARRIED 12-0

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 \$50,000 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

	Actual Year to Date 31-Jul-12	Current Budget Year to Date 31-Jul-12	Current Budget vs Actual Variance	
REVENUE				*
Operating Grants & Subsidies	909	8,990	-8,081	X
Fees and Charges	5,609,760	5,647,129	-37,369	X
Contributions, Donations & Reimbursements	53,997	45,838	8,159	√
Interest Earnings	14,785	63,953	-49,168	X
Other Revenue	813	5,415	-4,602	X
	5,680,265	5,771,325	-91,060	
EXPENDITURE				
Employee Costs	1,363,419	1,555,310	-191,891	√
Materials and Contracts	330,835	1,113,045	-782,210	√
Utility Charges	192,270	140,805	51,465	X
Interest Expenses	(21,737)	75,756	-97,493	√
Insurance Expenses	0	60,159	-60,159	√
Other Expenditure	55,791	85,660	-29,869	√
Depreciation	984,012	984,012	0	X
Loss on Sale of Assets	0	22,412	-22,412	√
Less Allocated to Infrastructure	(25,871)	(38,999)	13,128	√
	2,878,719	3,998,160	-1,119,441	
Adjustment for Non-cash Revenue and Expenditure:				
Write Back Non Cash Items	984,012	984,012	0	
Adjust (Profit)/Loss on Asset Disposal	0	22,412	-22,412	
Net Operating Excluding Rates	3,785,558	2,779,589		
CAPITAL REVENUE				
Non-Operating Grants, Subsidies and Cont	948,224	293,709	654,515	√
Proceeds from asset disposals	961	145,201	-144,240	X
Proceeds from New Loans	0	0	0	
Self-Supporting Loan Principal Revenue	0	0	0	
Transfers from Reserves (Restricted Assets)	0	462,066	-462,066	X
	949,185	900,976	48,209	
CAPITAL EXPENDITURE				
Capital Expenditure	604,112	1,310,230	-706,118	√
Repayment of Loans	16,200	65,525	-49,325	√
Transfers to Reserves (Restricted Assets)	0	253,650	-253,650	√
	620,312	1,629,405	-1,009,093	
Net Capital	328,872	(728,429)	1,057,301	
Total Net Operating + Capital	4,114,431	2,051,160	2,063,271	
Rates Revenue	27,274,581	27,222,849	51,732	
Restricted Cash Funds - Grants	0	0	0	
Opening Funding Surplus (Deficit)	2,589,920	2,589,920	0	
Closing Funding Surplus (Deficit)	33,978,932	31,863,929	2,115,003	

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

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

7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 31 JULY 2012

	Actual 31-Jul-12
NET CURRENT ASSETS	
Composition of Net Current Asset Position	
CURRENT ASSETS	
Cash - Unrestricted	10,362,732
Cash - Restricted	5,334,856
Receivables	38,052,035
Inventories	2,343,681
Total Current Assets	56,093,304
LESS: CURRENT LIABILITIES	
Payables and Provisions	6,311,333
	49,781,971
Less: Cash - Restricted - Trust	(985,739)
Less: Cash - Restricted - Reserves	(4,349,117)
NET CURRENT ASSET POSITION	44,447,115
NET CURRENT ASSETS PER BALANCE SHEET	48,081,815
	<hr/>
Difference	3,634,700
	<hr/> <hr/>
Difference Represented by:	
Restricted Cash (Trust)	985,739
Reserve Funds - Financial Assets	182,510
Reserve Funds - Other	4,166,607
Self Supporting Loans (part of Receivables and Other)	0
	<hr/>
	5,334,856
Less:	
Borrowings	770,406
Trust Liabilities	929,750
	<hr/>
Difference	3,634,700
	<hr/> <hr/>

8. CITY OF ALBANY– STATEMENT OF FINANCIAL POSITION–AS AT 31 JULY 2012

	Actual 31-Jul-12
CURRENT ASSETS	
Cash - Municipal	10,362,732
Restricted cash (Trust)	985,739
Reserve Funds - Financial Assets	182,510
Reserve Funds - Other	4,166,607
Receivables & Other	38,052,034
Investment Land	1,681,028
Stock on hand	662,653
	56,093,304
CURRENT LIABILITIES	
Borrowings	770,406
Creditors prov - Annual leave & LSL	2,354,112
Trust Liabilities	929,750
Creditors prov & accruals	3,957,221
	8,011,489
NET CURRENT ASSETS	48,081,815
NON CURRENT ASSETS	
Receivables	12,989
Pensioners Deferred Rates	383,302
Investment Land	4,509,155
Property, Plant & Equip	76,387,824
Infrastructure Assets	181,760,049
Local Govt House Shares	19,501
	263,072,819
NON CURRENT LIABILITIES	
Borrowings	16,639,788
Creditors & Provisions	464,911
	17,104,699
NET ASSETS	294,049,935
EQUITY	
Accumulated Surplus	270,226,147
Reserves	5,049,154
Asset revaluation Reserve	18,774,634
	294,049,935

**9. STATEMENT OF COMPREHENSIVE INCOME (BY NATURE OR TYPE) –
AS AT 31 JULY 2012**

NATURE / TYPE	YTD Actual 2012/13	Budget-Total 2012/13
INCOME		
Rates	27,274,581	25,619,665
Grants & Subsidies	909	2,710,582
Contributions. Reimb & Donations	53,997	349,697
Fees & Charges	5,609,760	13,327,249
Service Charges	0	0
Interest Earned	14,785	697,000
Other Revenue / Income	813	617,625
	32,954,846	43,321,818
EXPENDITURE		
Employee Costs	1,337,548	16,948,783
Utilities	192,270	1,319,732
Interest Expenses	(21,737)	1,042,761
Depreciation on non current assets	984,012	11,817,938
Contracts & materials	330,835	12,973,799
Insurance expenses	0	584,845
Other Expenses	55,791	223,994
	2,878,719	44,911,852
Change in net assets from operations	30,076,128	(1,590,034)
Grants and Subsidies - non-operating	911,607	6,770,372
Contributions Reimbursements and Donations - non-operating	36,617	3,148,907
Profit/Loss on Asset Disposals	961	(905,815)
Cash Backing of Reserves	0	718,230
Fair value - Investments adjustment	0	0
	31,025,313	8,141,660

10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 31 JULY 2012

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value May-12	Market Value Jun-12	Market Value Jul-12	Latest Monthly Variation
MUNICIPAL ACCOUNT							
CBA	6/06/2012	1,000,000	4.70%	1,000,000			
CBA	6/06/2012	2,000,000	4.70%	2,000,000			
CBA	6/07/2012	2,000,000	4.70%		2,000,000		
CBA	8/08/2012	2,000,000	4.48%			2,000,000	
NAB	3/06/2012	1,000,000	4.25%	1,000,000			
NAB	31/07/2012	1,000,078	4.25%		1,000,078	1,000,078	
NAB	3/06/2012	2,000,000	4.25%	2,000,000			
ANZ	2/06/2012	3,000,000	4.39%	3,000,000			
ANZ	3/07/2012	3,000,000	4.00%		3,000,000		
ANZ	2/08/2012	3,000,000	4.00%			3,000,000	
BENDIGO	5/06/2012	1,000,000	4.70%	1,000,000			
BANKWEST	7/06/2012	2,000,000	4.45%	2,000,000			
BANKWEST	8/07/2012	2,000,000	4.45%		2,000,000		
BANKWEST	7/08/2012	2,000,000	4.20%			2,000,000	
				12,000,000	8,000,078	8,000,078	n/a
RESERVES ACCOUNT							
No funds currently invested							
				0	0	0	
				0	0	0	n/a
COMMERCIAL SECURITIES - CDOs (New York Mellon)**							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	0	0	0	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	0	0	0	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	0	0	0	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	0	0	0	0
		2,118,046		0	0	0	0

REFER DISCLAIMER

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value May-12	Market Value Jun-12	Market Value Jul-12	Latest Monthly Variation
COMMERCIAL SECURITIES - CDOs – Other**							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	0	0	0	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	0	0	0	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	0	0	0	0
		1,324,656		68,750	68,750	68,750	0
PORTFOLIO TOTAL				12,068,750	8,068,828	8,068,828	0

**These figures are based on previous valuations. However, at the time of reporting, CDO portfolio was in the process of being revalued.

11. FINANCIAL RATIOS - AS AT 31 JULY 2012

CITY OF ALBANY FINANCIAL RATIOS		30-Jun-11	30-Jun-12	31-Jul-12	Benchmark
Liquidity Ratios					
	Current Ratio ¹	81.3%	285.0%	716.8%	>100%
	Untied Cash to trade creditors Ratio ²	273.6%	578.1%	917.6%	>100%
Financial Position Ratio					
	Debt Ratio ³	9.8%	8.6%	7.9%	<100%
Debt Ratios					
	Debt Service Ratio ⁴	9.0%	17.5%	0.0%	<10%
	Gross Debt to Revenue Ratio ⁵	46.7%	29.0%	40.7%	<60%
	Gross Debt to Economically Realisable Assets ⁶	22.6%	13.6%	10.2%	<30%
Coverage Ratio					
	Rate Coverage Ratio ⁷	46.0%	55.0%	82.9%	>33%
Effectiveness Ratio					
	Outstanding Rates Ratio ⁸	3.3%	3.0%	128.1%	<5%

1. This ratio focuses on the liquidity position of a local government.
2. This ratio provides an indication of whether a local government has sufficient unrestricted cash to pay its trade creditors.
3. The ratio is a measure of total liabilities to total assets or alternatively the number of times total liabilities are covered by the total assets of a local government. The lower the ratio of total liabilities to total assets, the stronger is the financial position of the local government.
4. This ratio measures a local government's ability to service debt (principal and interest) out of its available operating revenue.
5. This ratio measures a local government's ability to service debt in any given year out of total revenue.
6. This ratio provides a measure of whether a local government has sufficient realisable assets to cover its total borrowings.
7. The Coverage Ratio measures the local government's dependence on rate revenue to fund its operations. The higher the ratio, the less dependent a local government is on grants and external sources to fund its operations.
8. The Effectiveness Ratio measures the effectiveness of a local government with the collection of its rates. This is very high at the moment as rates have just been billed, but no payments received at the time of the report.

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 \$50,000 (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 \$50,000 AS REPORTED IN THE STATEMENT OF FINANCIAL ACTIVITY - AS AT 31 JULY 2012

Comments / Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Under Variance threshold

FEES AND CHARGES

Under Variance threshold

CONTRIBUTIONS, DONATIONS & REIMBURSEMENTS

Under Variance threshold

INTEREST EARNINGS

Under Variance threshold

OTHER REVENUE

Under Variance threshold

OPERATING EXPENSES

EMPLOYEE COSTS

Employee costs under budget year-to-date, due to year end accrual of wages to 11/12 year.

MATERIAL AND CONTRACTS

No billing received for a number of service contracts for July, the biggest being the waste contract.

UTILITY CHARGES

Street lighting backbill invoiced received. Year-end journal adjustment yet to be made to accrue costs back to 11/12 year.

INTEREST EXPENSES

Variance due to year end adjustments interest accrual to 11/12.

INSURANCE EXPENSES

Budget timing issue. No invoice received to date for insurance costs.

OTHER EXPENDITURE

Under Variance threshold

DEPRECIATION (NON CURRENT ASSETS)

Under Variance threshold

LOSS ON ASSET DISPOSAL

Under Variance threshold

Less Allocated to Infrastructure

Under Variance threshold

CAPITAL REVENUE**GRANTS, SUBSIDIES AND CONTRIBUTIONS**

Timing issue. Some road funding grants receipted to July, however budget timing was for receipt in August.

PROCEEDS FROM DISPOSAL OF ASSETS

Minimal disposal of assets taken place in this year. Only sundry minor plant has been replaced.

PROCEEDS FROM NEW LOANS

Under Variance threshold

SELF-SUPPORTING LOAN PRINCIPAL

Under Variance threshold

TRANSFER FROM RESERVES (RESTRICTED ASSETS)

No transfer to or from reserves to municipal funds done for this year.

CAPITAL EXPENSES**CAPITAL EXPENDITURE**

Timing issue. Minimal capital projects commenced in July,

REPAYMENT OF LOANS

Under Variance threshold

TRANSFER TO RESERVES (RESTRICTED ASSETS)

No transfer to or from reserves to municipal funds done for this year.

OTHER ITEMS**RATE REVENUE**

Actual rates billed higher than budgeted rates income. This is due to the timing difference between budget preparation of rates income (April) and actual billing (end of July). During that time period, some properties will change in the rates that are billed, for example, once a house is completed construction, the rates category changes, resulting in an increase in revenue.

OPENING FUNDING SURPLUS (DEFICIT)

Under Variance threshold

POLICY IMPLICATIONS

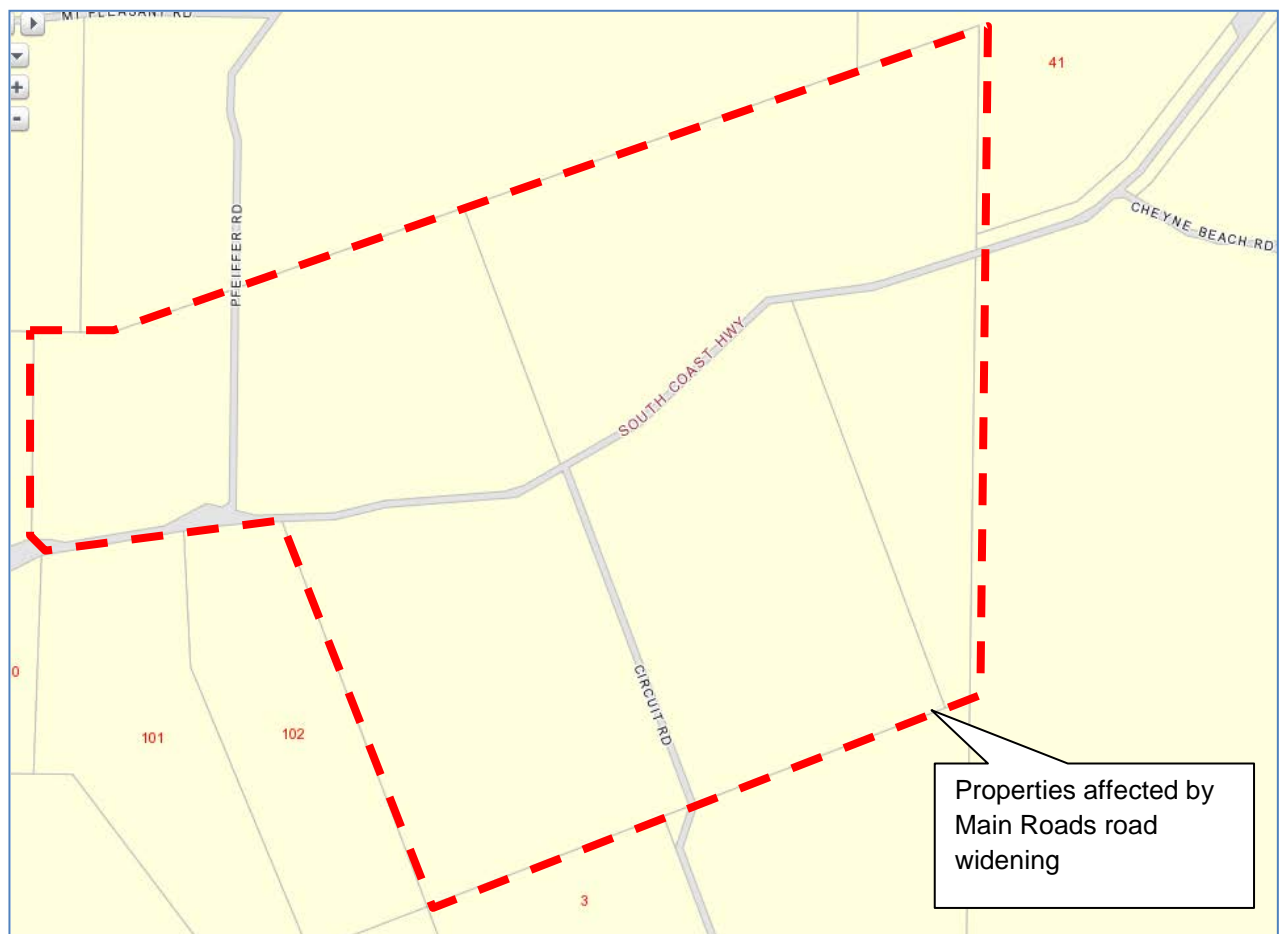
14. The City's 2012/13 Annual Budget provides a set of parameters that guides the City's financial practices.
15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

File Number (Name of Ward) FM.FIR.2 - All Wards
--

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR ATTWELL**

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.**

CARRIED 12-0

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) – 5614m²
 - c. Lot 5303 South Coast Highway (Geddes) – 6395m²
 - d. Lot 5304 South Coast Highway (Dixon) – 4.0658ha
 - e. Lot 6179 South Coast Highway (Geddes) – 481m²
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

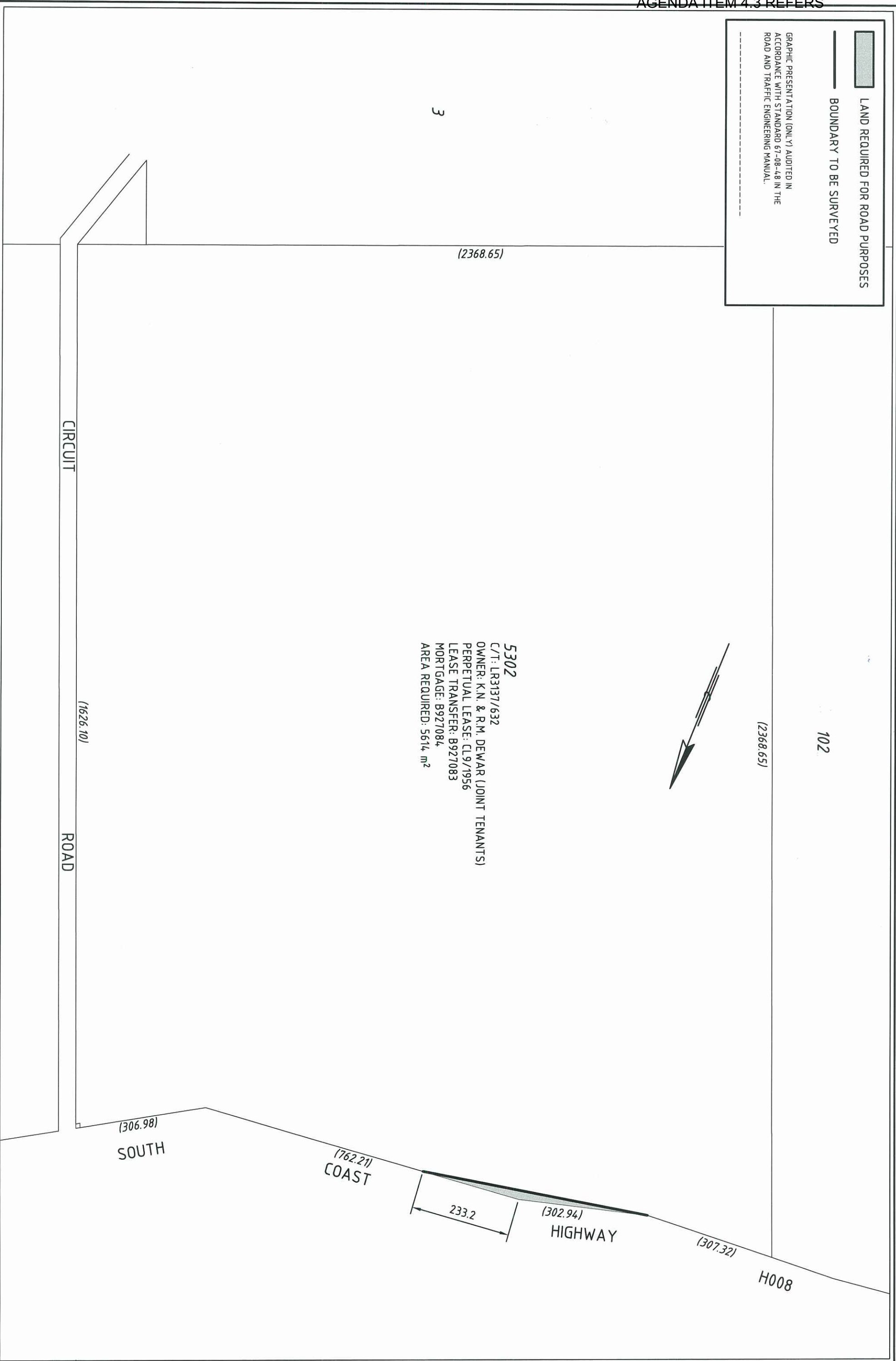
21. The proposed widening of South Coast Highway will be undertaken to facilitate roads works to improve the safety and standard of this section of the highway. Main Roads is negotiating with the affected landowners to secure the taking of the land by agreement and will be responsible for all administrative 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.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Planning and Development Act 2005</i>
File Number (Name of Ward)	:	GR.STL.3
Previous Reference	:	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 m²

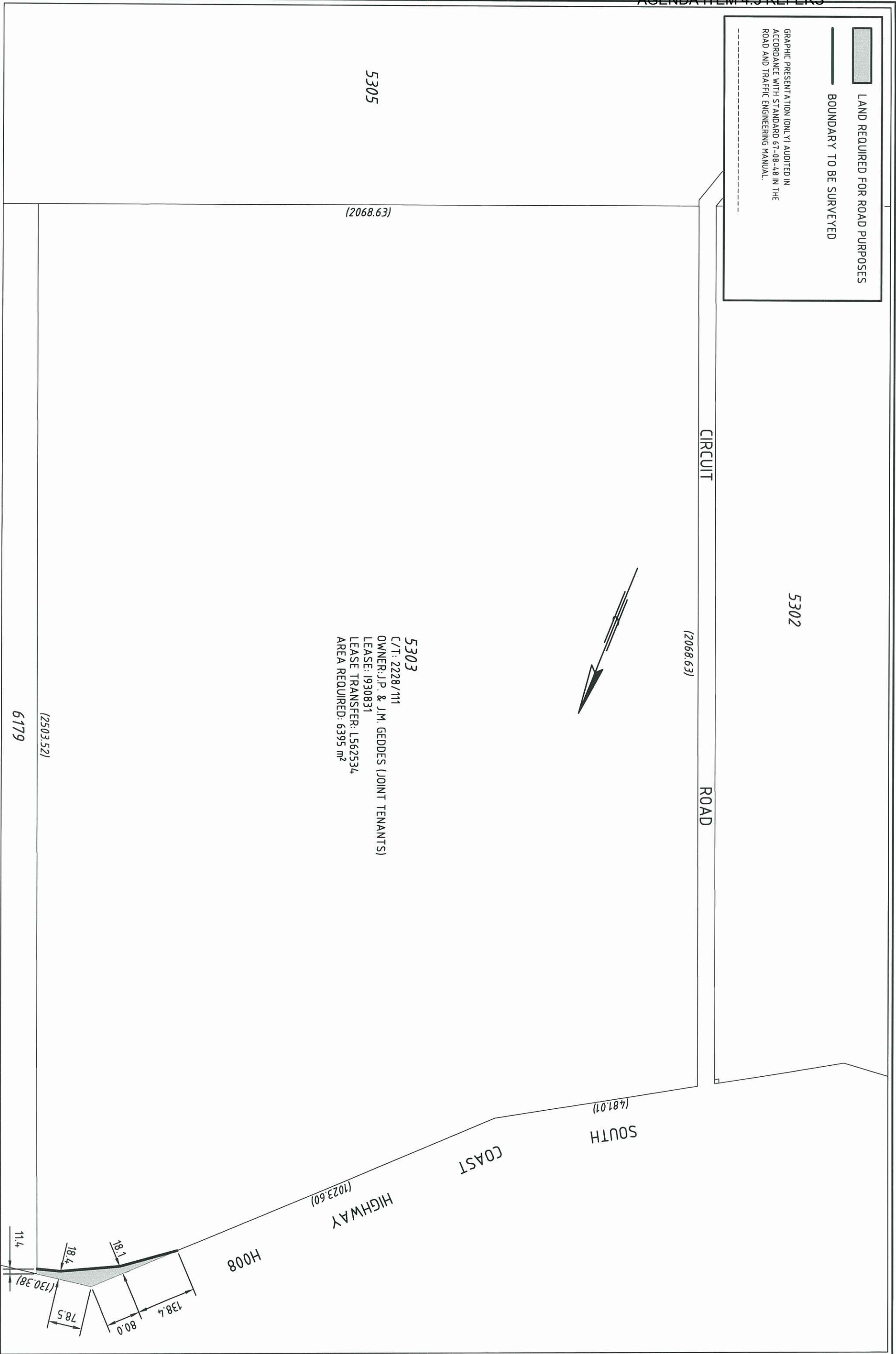
AMENDMENTS		AMENDMENTS		AMENDMENTS	
No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE

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 CHESTERPASS RD Telephone 9892 0555 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	VERIFIED
 J.B.	 J.B.
FILE NUMBER 12/3307	APPROVED J.B.
DRAWING NUMBER 201201-087	AMENDMENT 3

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.



5303
 C/T: 2228/111
 OWNER: J.P. & J.M. GEDDES (JOINT TENANTS)
 LEASE: 1930831
 LEASE TRANSFER: L562534
 AREA REQUIRED: 6395 m²

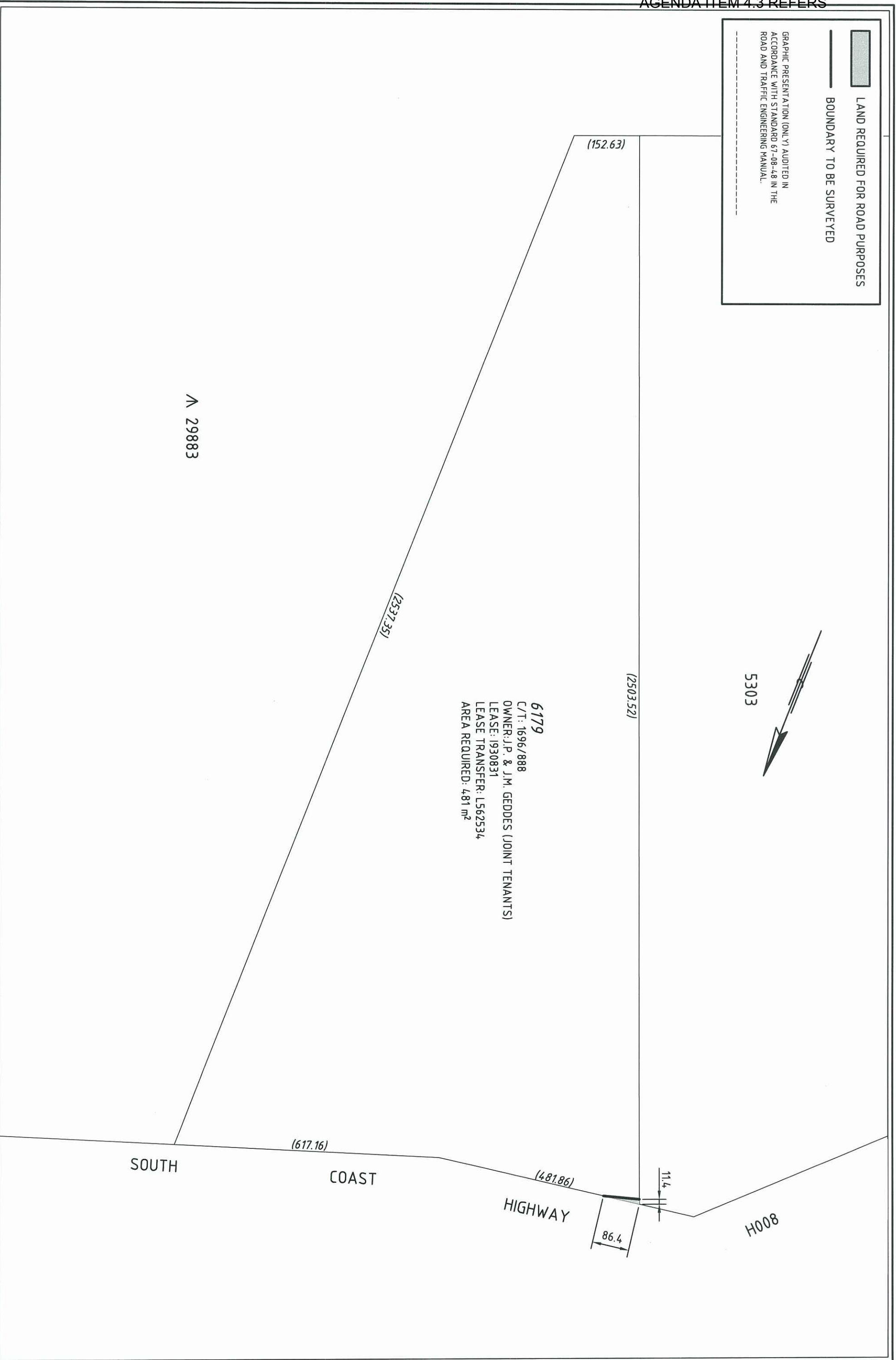
(2068.63)
 (2503.52)
 6179

No.		DESCRIPTION		APPROVED & DATE		No.		DESCRIPTION		APPROVED & DATE				
AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS		AMENDMENTS				
<p>METADATA</p> <p>GROUND SURVEY STANDARD: DATE OF CAPTURE: MAPPING SURVEY STANDARD: DATE OF CAPTURE: MAIN ROADS PROJECT ZONE: HEIGHT DATUM:</p>														
<p>REGIONAL SERVICES DIRECTORATE GREAT SOUTHERN REGION CHESTERPASS RD Telephone 9892 0555</p>			<p>ALBANY 6332 Fax 9841 8213</p>			<p>SOUTH COAST HWY - H008 CHEYNESS SECTION 36.25 TO 36.60 SILK LAND REQUIREMENT PLAN</p>			<p>DESIGNED: <i>[Signature]</i> FILE NUMBER: 12/3307 DRAWING NUMBER: 201201-088</p>			<p>VERIFIED: <i>[Signature]</i> APPROVED: <i>[Signature]</i> AMENDMENT</p>		
<p>LOCAL AUTHORITY: CITY OF ALBANY (922)</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 m²

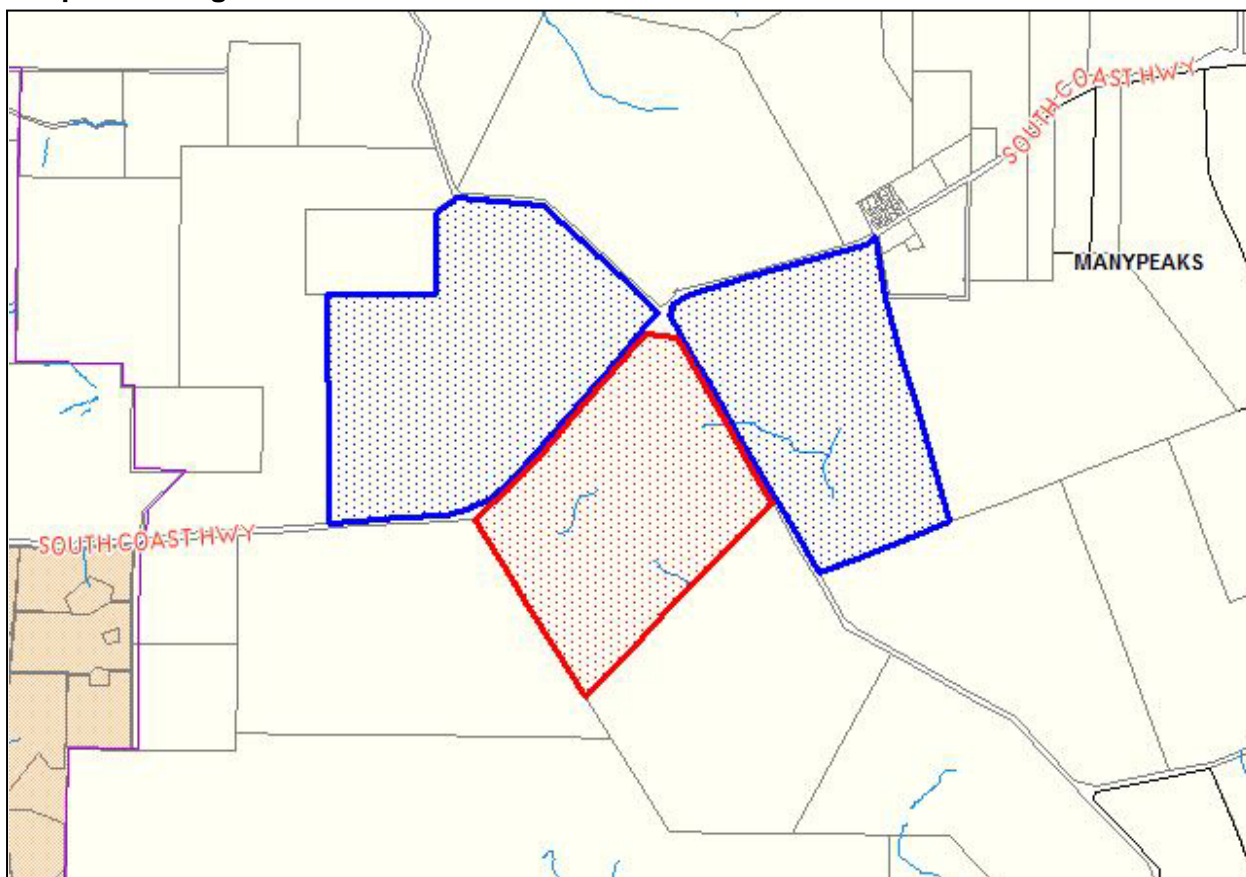
A 29883

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 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 DRAWN FILE NUMBER DRAWING NUMBER 201201-090	J.B. VERIFIED H.O.L. APPROVED 12/3307 5/16/12 5/16/12

**4.4: RECONSIDERATION OF PAST DECISION–SOUTH COAST HIGHWAY
– MAIN ROADS WA LAND REQUIREMENT FOR ROAD WIDENING**

- Land Description** : Lots 5292, 5294 & 5298 South Coast Highway, Manypeaks
Proponent : Main Roads WA
Owner : F & G Mountford (Lot 5294)
J & J Geddes (Lot 5298)
B Critchison (Lot 5292)
Attachments : 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
Responsible Officer(s) : 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**

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

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.

CARRIED 12-0

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

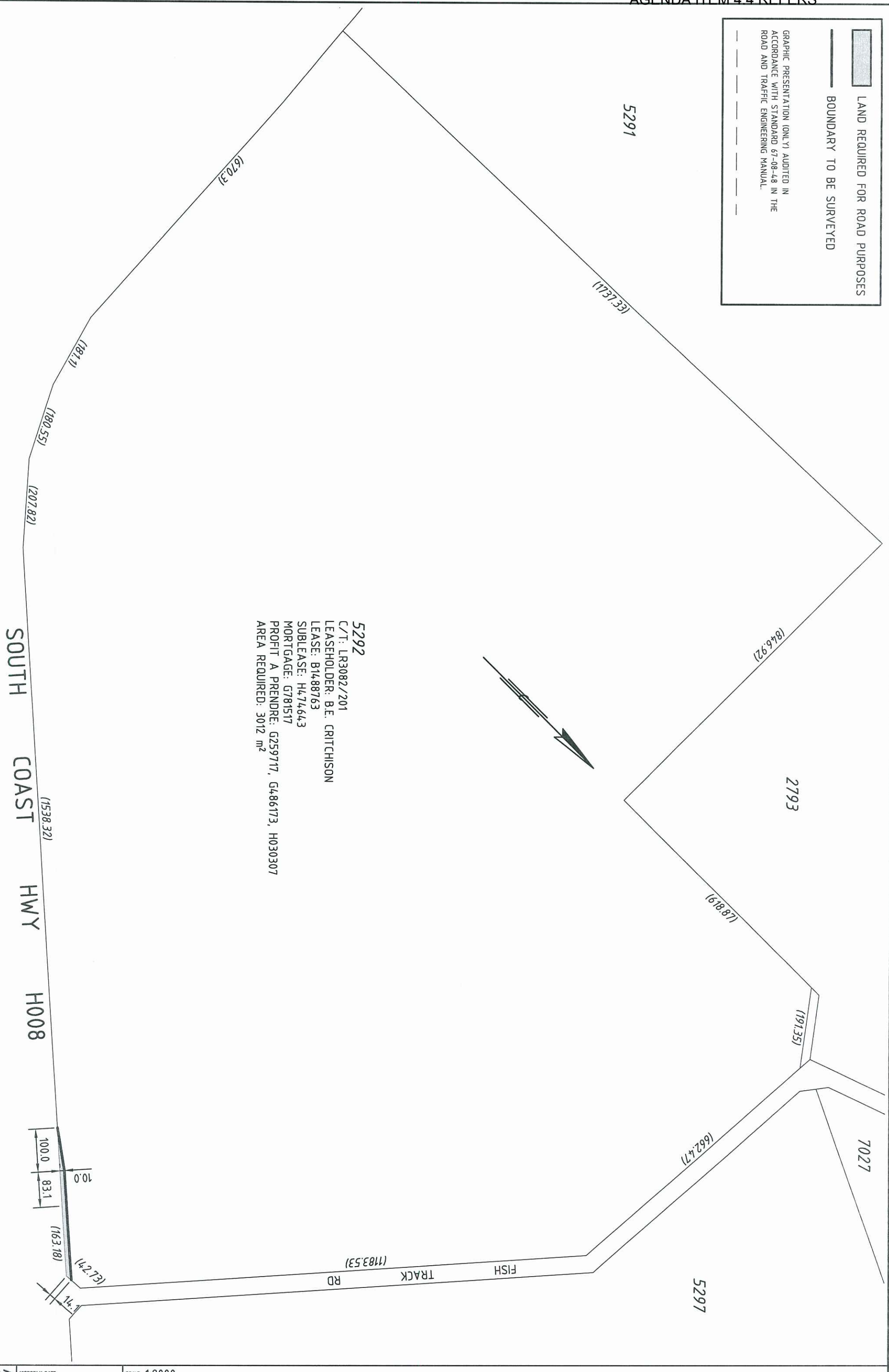
22. As the landowner consents have now been obtained and works have commenced in part, it is not considered that Council has an alternate option other than to support the request to allow for the widening of South Coast Highway.

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.

Consulted References	:	<i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	RD.DEC.2
Previous Reference	:	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 m²

No.	DESCRIPTION	APPROVED & DATE	No.	DESCRIPTION	APPROVED & DATE
AMENDMENTS					
AMENDMENTS					

GROUND SURVEY STANDARD: DATE OF CAPTURE: MAPPING SURVEY STANDARD: DATE OF CAPTURE: MAIN ROADS PROJECT ZONE: HEIGHT DATUM:	METADATA
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REGIONAL SERVICES DIRECTORATE GREAT SOUTHERN REGION ALBANY 6332 Telephone 9892 0555 Fax 9841 8213	WESTERN AUSTRALIA
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SOUTH COAST HWY - H008 MANYPEAKS SECTION 34.25 TO 36.60 SLK LAND REQUIREMENT PLAN	LOCAL AUTHORITY: CITY OF ALBANY (802)
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DESIGNED DRAWN FILE NUMBER DRAWING NUMBER 201101-075	J.B. VERIFIED MOC APPROVED [Signature]
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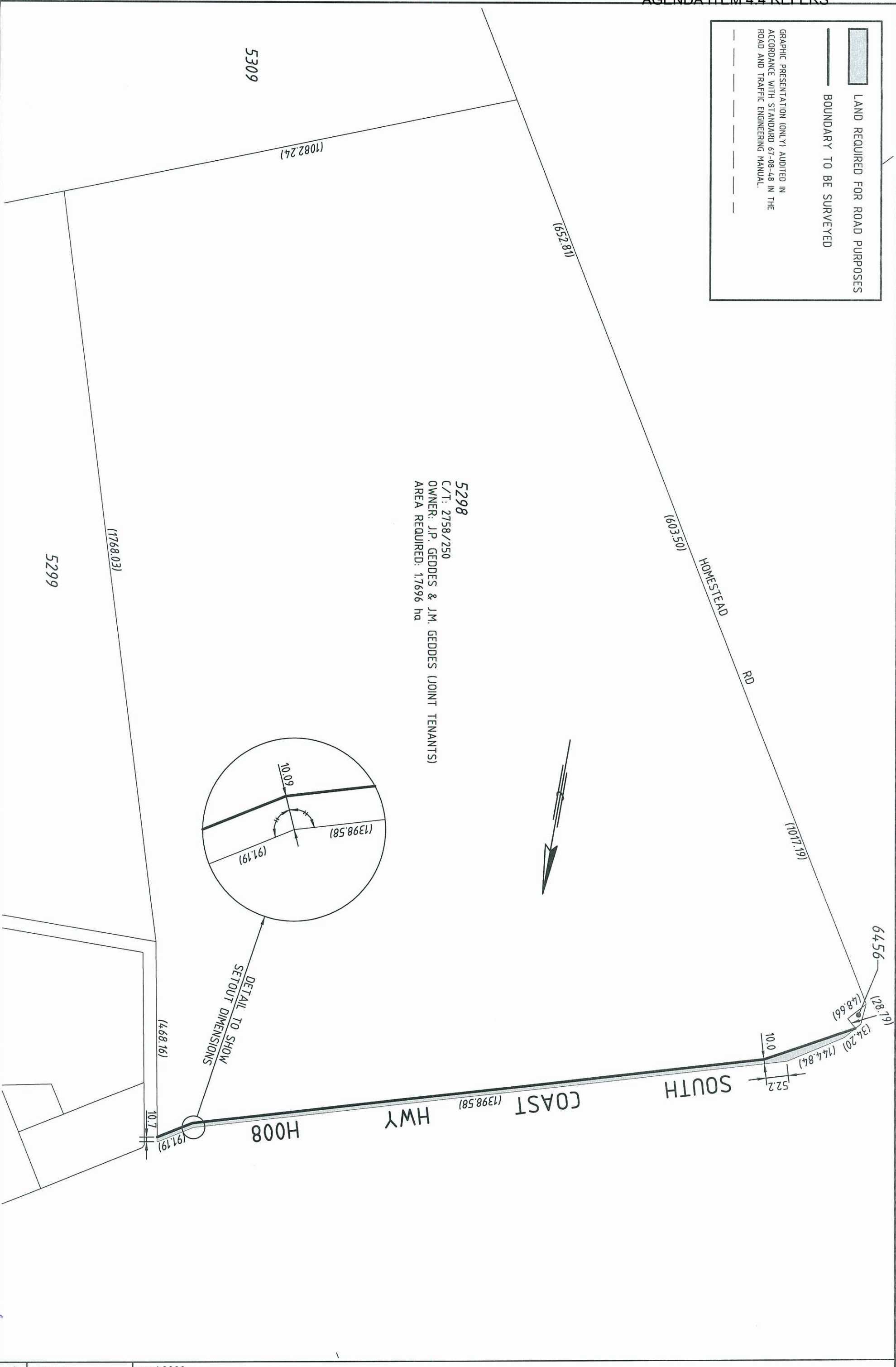


1 AREA OF LAND REQUIREMENT		HIGHLIGHTED	
DESCRIPTION		APPROVED & DATE	APPROVED & DATE
AMENDMENTS		DESCRIPTION	APPROVED & DATE
AMENDMENTS		DESCRIPTION	APPROVED & DATE
GROUND SURVEY STANDARD		METADATA	
DATE OF CAPTURE		DATE OF CAPTURE	
MAPPING SURVEY STANDARD		MAPPING SURVEY STANDARD	
MAIN ROADS PROJECT ZONE		MAIN ROADS PROJECT ZONE	
HEIGHT DATUM		HEIGHT DATUM	
		SOUTH COAST HWY - H008 MANYPEAKS SECTION 36.25 TO 36.60 SLK LAND REQUIREMENT PLAN	
PREPARED BY: J.B. VERBEEK DRAWN BY: J. SZELIGA FILE NUMBER: 07/6809-02 DRAWING NUMBER: 201101-076-1		VERIFIED BY: J. SZELIGA APPROVED BY: 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.



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	 SOUTH COAST HWY - H008 MANYPEAKS SECTION 34.25 TO 36.60 SLK LAND REQUIREMENT PLAN
--	--

DESIGNED		VERIFIED	
DRAWN		APPROVED	
FILE NUMBER	07/6809-02		
DRAWING NUMBER	201101-077		

RECEIVED
24 AUG 2011

BY:.....

BE Critchison
3 Highclere Close
BAYONET HEAD WA 6330

*PAI Burns,
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

Land Description	: Lot 211 on Diagram 94113 being whole of land contained in Certificate of Title Volume 2172 Folio 740, Centennial Park (Lotteries House)
Proponent	: Albany Summer School Inc. Arthritis Foundation Inc. Neurological Council of WA Inc. Samaritan Befrienders Inc.
Owner	: City of Albany and the Lotteries Commission
Responsible Officer	: Executive Director Corporate Services (G Adams)
Maps and Diagrams	



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: RESOLUTION**VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR DUFTY****SECONDED: COUNCILLOR BOWLES**

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.**

CARRIED 12-0**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.

21/08/2012

REFER DISCLAIMER

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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

REFER DISCLAIMER

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.

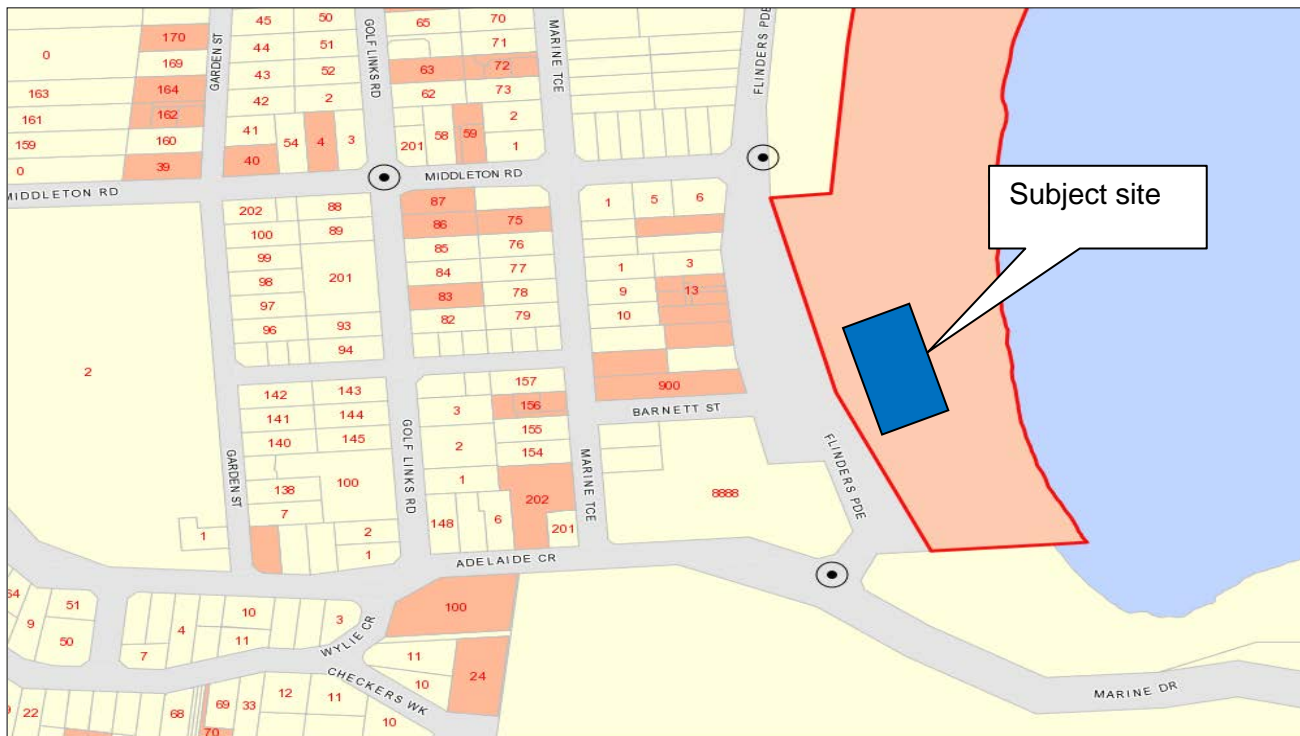
Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases • <i>Local Government Act 1995</i> • Deed of Trust – Albany Lotteries House
File Number (Name of Ward)	PRO383, A150439 (Frederickstown Ward)
Previous Reference	OCM 16 June 2009 Item 12.11.2

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: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CALLEJA

SECONDED: COUNCILLOR DUFTY

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.

CARRIED 12-0

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 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 barbeques. 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:

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<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:
- Approve the variation of lease.
 - 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

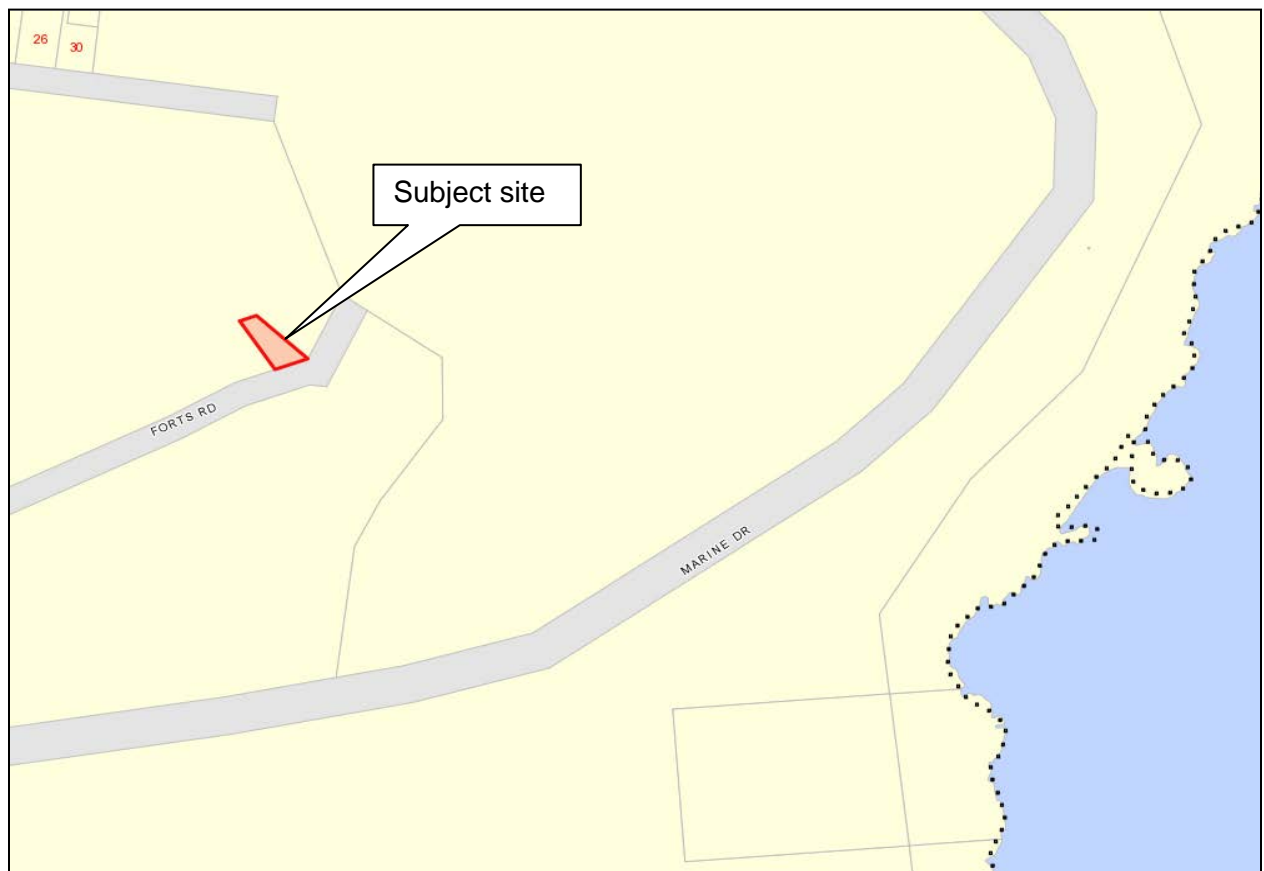
49. The Lessee seeks to undertake stage 2 of the redevelopment project to the property owned by the City.
50. The variation of lease will formalise the lease arrangements for the proposed development.

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.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	PRO040, A90251 (Frederickstown Ward)
Previous Reference	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

Land Description	: 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
Proponent	: Telstra Corporation Limited
Owner	: Crown
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)
Maps and Diagrams	

**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.

21/08/2012

REFER DISCLAIMER

ITEM 4.7: RESOLUTION**VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR GREGSON****SECONDED: COUNCILLOR CALLEJA**

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 \$12,000 plus GST per annum.**
- 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.**

CARRIED 12-0**Officer's Reason (Executive Director Corporate Services):**

- Following the Agenda Briefing Meeting the proponent, Telstra Corporation Limited has queried the market valuation provided by the Independent Certified Practising Valuer, Opteon Property Advisors (Albany & Great Southern WA) being \$17,500.00 plus GST per annum.
- The City acknowledges the difficulty in providing a market rental valuation for a telecommunication facility lease. Telstra have disputed the proposed market rental.
- Negotiations between the Valuer and Telstra have broken down. Telstra provided sufficient rental evidence of similar telecommunication facilities to support a lower rental valuation than that established by the Valuer.
- It is noted that the *Telecommunications Act 1997* provides statutory powers to licensed carriers to enter property and install telecommunications equipment for a low impact facility, if agreement cannot be reached with the landowner.
- The City recommends, in agreement with Telstra, a compromise rental amount of \$12,000.00 plus GST per annum.

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.*

21/08/2012

REFER DISCLAIMER

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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

21/08/2012

REFER DISCLAIMER

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.

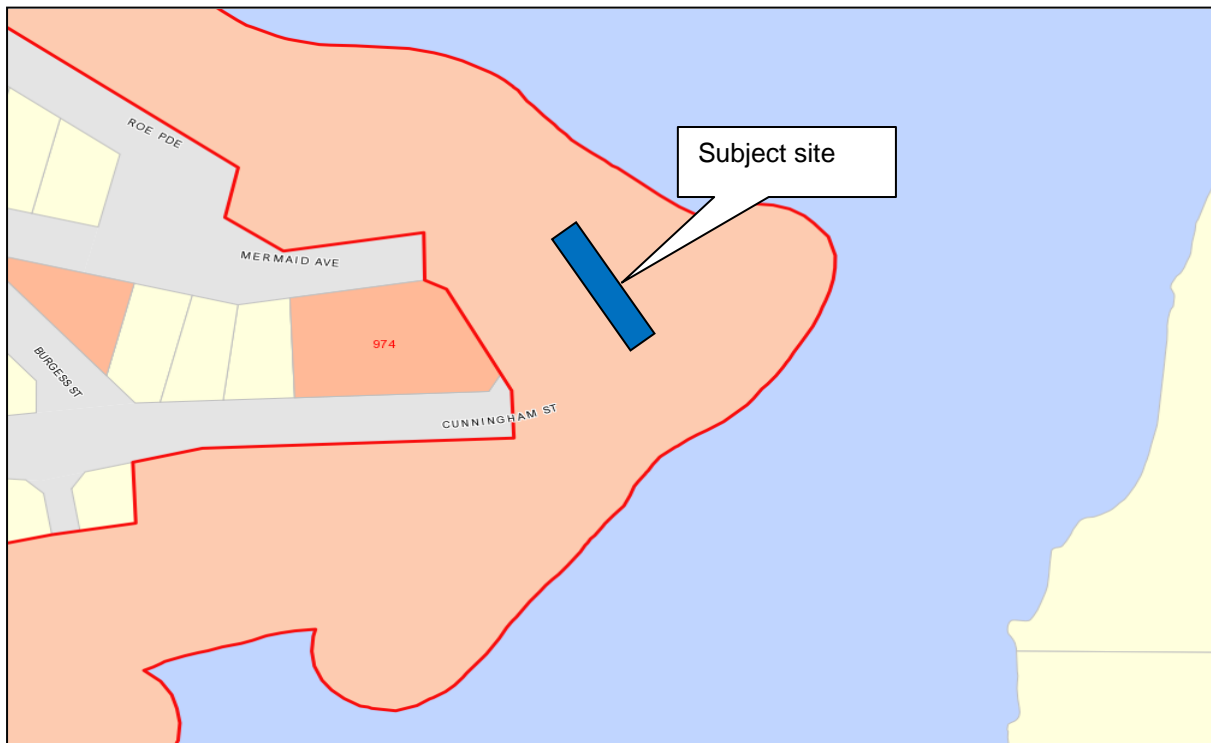
SUMMARY CONCLUSION

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.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	PRO093, A136801 (Frederickstown Ward)
Previous Reference	OCM 23.01.1996

**4.8:SURRENDER OF LICENCE – MATTHEW BRIAN GAULL AND
NATALIE ELIZABETH GAULL – PORTION CROWN RESERVE 22698,
EMU POINT**

Land Description	: 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
Proponent	: Matthew Brian Gaull and Natalie Elizabeth Gaull
Owner	: Crown
Attachment(s)	: Aerial Photograph
Responsible Officer	: Executive Director Corporate Services (G Adams)
Maps and Diagrams	



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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLDEN**

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.**

CARRIED 12-0

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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	PRO050, A205773 (Breaksea Ward)
Previous Reference	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

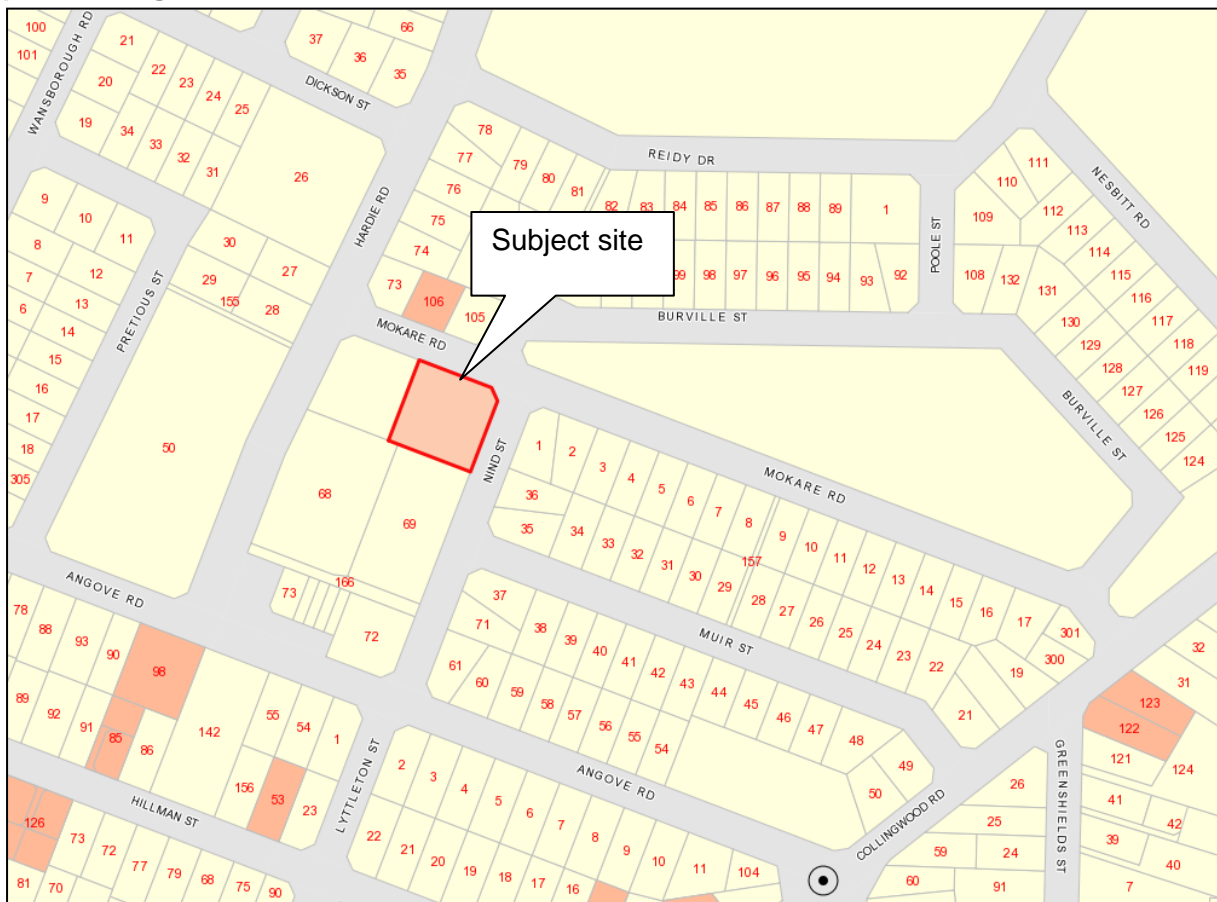
Proponent : The Albany Injury Prevention Association Inc.

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR GREGSON**

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.**

CARRIED 12-0

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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<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.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	PRO071, A110445 (Breaksea Ward)
Previous Reference	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

ITEM 15.1: NOTICE OF MOTION FROM COUNCILLOR BOSTOCK

**MOVED: COUNCILLOR BOSTOCK
NO SECONDER**

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.

ITEM 15.1: PROCEDURAL MOTION BY COUNCILLOR ATTWELL

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR BOWLES**

THAT this item lay on the table to allow further consideration of submissions when they are presented to Council.

CARRIED 9-3

Councillor’s Reason (Councillor Attwell):

I do not disagree with Councillor Bostock’s comments, however, this motion is premature and submissions must be considered before Council makes a decision.

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

ORDINARY COUNCIL MEETING
MINUTES – 21/08/2012
REFER DISCLAIMER

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.

ITEM 18.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK

THAT Council ENDORSE the following media statement for submission to the Albany Advertiser Newspaper:

“In June 2011, Council agreed to limit rate rises for the 2011-12 financial year to an average of 5%, but following delivery of the rates notices, Councillors received numerous complaints from individual ratepayers that their rates had increased by far greater amounts, up to 25% or more. Accusations that the City had misled residents were frequently expressed and were difficult to refute. More detailed investigations, however, which have only recently been completed, reveal the average increase was indeed 5%, but that individual rises were very unevenly distributed.

There was a general review of the gross rental value (GRV), on which all rates are based, by the Valuer General, an official in the State government, in early 2011, when he “rationalised” the GRV in Albany by lumping together large blocks of properties which had previously had a wide range of GRVs and raised them all to the same level.

For example, 500 properties whose GRV had ranged from \$6,980 to \$11,492 were all standardised to \$11,960 and there have been many similar instances. The inevitable consequence was that residences which had been at the bottom end of the scale suffered enormous increases while those at the top actually enjoyed a decrease in their rates, a classic example of robbing the poor to pay the rich.

Not surprisingly, Council has borne the anger of many residents, through no fault of its own, rejects the imposition of a grossly unfair and arbitrary increase in GRV which discriminates against those in the community least able to afford huge rate increases and calls on the Valuer General to remedy the situation at the earliest opportunity.

Councillor’s Reason:

It is of the utmost importance that the people of Albany retain trust in their Council and understand that Council did not deliberately mislead them. It must also be made clear when unfair charges are imposed by the State government, without consultation with, or approval by, the Local Authority.

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

[7:31:05 PM](#) Members of the public and media left the Chamber.

[7:33:37 PM](#)

ITEM 19.1: RESOLUTION

**MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR ATTWELL**

THAT the meeting move behind closed doors to discuss Item 2.12: Settlement of Claim-Rufus Street, Milpara which is Commercial in Confidence.

CARRIED 12-0

[7:35:08 PM](#)

ITEM 19.1: RESOLUTION

**MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR BOWLES**

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

CARRIED 12-0

[7:39:43 PM](#)

ITEM 19.1: RESOLUTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BOWLES**

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

CARRIED 12-0

[7:43:40 PM](#)

ITEM 19.1: RESOLUTION

**MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR CALLEJA**

THAT the meeting come out from behind closed doors.

CARRIED 12-0

No members of the public or media returned to the Chamber.

In accordance with section 5.23 (2)(c) of the *Local Government Act 1995*:

If a meeting is to be held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with any of the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

Item 2.12: Settlement of Claim-Rufus Street, Milpara is Commercial in Confidence and as such the report item is not available to the public.

ITEM 2.12: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HORTIN**

With reference to Report Item 2.12: Settlement of Claim-Rufus Street, Milpara

THAT Council ENDORSES the AGREEMENT with Moss Enterprises as determined between the parties, in full and final settlement of their claim for compensation.

**CARRIED 12-0
ABSOLUTE MAJORITY**

XX. NEXT ORDINARY MEETING DATE

Tuesday 18 September 2012.

XXI. CLOSURE OF MEETING

ITEM 21.0: RESOLUTION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR HOLDEN**

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

CARRIED 12-0

[7:44:28 PM](#) there being no further business, the Presiding Member declared the meeting closed.

(Unconfirmed Minutes)

**Dennis W Wellington
MAYOR**

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

Meeting Date	Item Number	Details/Status
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.
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. PENDING - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.
17/07/2012	1.4	Annual Review of Delegations LAI D ON THE TABLE TO ALLOW MORE TIME FOR CONSIDERATION BY COUNCIL.
17/07/2012	2.5	Development Application-Demolition (Single House Listed on Municipal Heritage Inventory)-Lot 49 (45) Seymour Street, Mira Mar LAI D ON THE TABLE
21/08/2012	2.11	Consideration of Amendments to Local Planning Scheme 1A and 3 Policy Manual for Policy 2A-Outbuildings. LAI D ON THE TABLE FOR FURTHER CONSIDERATION BY COUNCIL AT COMMITTEE LEVEL.
21/08/2012	15.1	Notice of Motion by Councillor Bostock. LAI D ON THE TABLE TO ALLOW FURTHER CONSIDERATION OF SUBMISSIONS.

TABLED DOCUMENTS

NAME	REFERENCE	FILE
Mr Tony Stanton	Item 3.1	GO.COM.3
Mr Joop van Kooten	Item 3.1	GO.COM.3
Mr Paul Higginson	Item 3.1	GO.COM.3

TABLED DOCUMENTS BY ELECTED MEMBERS

NAME	REFERENCE	FILE
Mayor Wellington	Mayor's Report	GO.COM.3
Councillor Bostock	Item 15.1	GO.COM.3

TABLED DOCUMENTS BY STAFF

Nil

TABLED ADDRESS BY MR TONY STANTON

Speech to Council
21st August 2012

Harbour Swim Funding Application

Tony Stanton, Little Grove.

Mr Mayor, Councillors I refer to Item 3.1 Funding Applications.

I ask that you reconsider the rejection of AUSSI Masters application for \$2000, on the last page of the Attachment, Community Funding Guidelines, 6 up from the bottom.

It has been rejected by a Committee of 3 as a “Recurrent sporting carnival, meet or competition”.

This is a change from the usual applications closing in May, to a new way of handling things, not made known until June, after a restricted Budget allocation of \$35,000.

On page 2 of Item 3.1 Community Financial Assistance – Overview, Nos. 6 & 7, it states a moratorium was placed on funding but Iconic Events were excluded.

The City of Albany 4km Harbour Swim has been classed as an Icon event since its inception in 1999 to mark the elevation of Albany to City status.

Applying this change, without discussion, by a new Committee who were not around at the beginning, is rather dictatorial.

Would they reject Stalwell Gift funding without consultation, if the race were held here?

Our swim is part of WA’s Open Water Swim Championships. It involves Albany Harbour Authority approval, Dept Transport protection of the course, Sea Rescue, Surf Club’s boats, paddlers & swimmers, Albany Canoe Club, St John’s Ambulance, Albany Maritime Foundation & Boatshed Markets, Princess Royal Sailing Club, volunteer yacht owners & the Mayor.

Swimmers come from round the State with families & supporters. Since inception we estimate it has drawn over 2,000 visitors. It includes sections for wetsuits & relays with 1 & 2 km legs, both not available in normal open water events. It includes swimmers from 13 up, in 5 year age groups & usually has over 80 yo’s. There are prizes for each age group as well as the overall fastest male & female. It is a State Championship event, not just for the members of a small Albany organisation.

It has other Sponsors in Water Corp, Dept of Sport & Recreation, The Weekender, Woolworths & some 20 local businesses, who see value in being acknowledged as part of the event.

There is a warning, at the bottom of the attachment’s 3rd last page

PLEASE NOTE THAT CANVASSING OF ELECTED MEMBERS WILL
DISQUALIFY YOUR APPLICATION.

Will my address, here, be used to stifle the application?

Over the past 18 months, my experience has been that contact with Councillors has been restricted in different ways, private email addresses removed from City information, communication only through the Office, a reluctance to speak about Council business affairs at public meetings & no replies to general emails.

I thought this was democracy where Councillors were happy to listen to residents concerns.

I ask Council to reconsider funding the event, which by agreement, carries the City’s brand & attracts tourists.

TABLED ADDRESS BY MR JOOP VAN KOOTEN

Speech to Council

21 August 2012

Harbour Swim Funding Application Item 3.1 funding applications
Joop van Kooten
Middleton Beach

Mr. Mayor, Councillors.

I am here to ask you to reconsider your rejection of our Aussi Masters application for \$2000 funding for the next Harbour Swim.

It is not clear to me why it was rejected but I am aware of your new guidelines which state that Recurring Sporting Carnivals, Meet or competition were ineligible. If that is the reason, WHY?

Surely bringing sporting people to this city should be applauded not discouraged.

Some of you will be aware that I have been involved with the Harbour Swim as Event Coordinator or some other capacity for the last 12 years. I have seen it grow to an event which qualified as an ICONIC event some 5 or 6 years ago. It was certainly referred to as an Iconic Event by past councillors. Accordingly if this is the case then surely we qualify for the \$2000 funding.

Not only have we brought business to the city, we have through our Statewide advertising put the City out there to all sporting organizations and their families.

You will be aware this event caters for a large diversified group of swimmers.

Local Volunteer groups and some 20 businesses support us each year.

Why, because they want to promote Albany as a place to visit and in turn help promote the Harbour Swim as we do, and so should you Mr Mayor and Councillors.


We are not just small swim club that have a swim now and then.

I would like to quickly tell we also have in motion a membership drive targeting the medical profession to promote the benefits of swimming as a healthy exercise option.

We sent them all a letter explaining our ideas and a business card the practitioner can hand out to any suitable patient. This will bring us new members and the Leisure Center some extra income. I trust you can see the benefit of this unique idea and of course as stated before we would also welcome your support by including the Harbour Swim event in the funding.

Thank you!!

TABLED ADDRESS BY MR -ATTACHMENT



Albany Masters Swimming

Swimming Regularly is a Healthy way to Fitness
Check us out;
We can show you how it can be fun to swim
and make new friends at the same time.

Like to find out more? Look us up on
www.albanymastersswimming.org.au
Help yourself to a
healthier body in a fun way.
or contact: Tony Kaye
9844 4080 9844 9401

331

To Whom it May Concern,

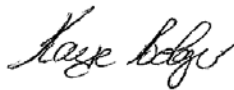
Masters Swimming is an organisation to promote the benefits of swimming to mature age people in a fun and supportive environment.

The Albany Masters Swimming Club would like your help to promote Swimming as a healthy exercise option to people of all ages – our target group being those aged 18 and over. There is no minimum standard or swimming ability required to join the Club and we work with members to achieve to their desired level while assisting in stroke work to make this easier.

Enclosed are our Cards with contact information that we ask you to make available to your patients/clients so they may contact us to find out how we can help them.

We thank you in anticipation for your assistance and trust we can also assist you.

Kind Regards



Kaye Bolger
PRESIDENT

TABLED ADDRESS BY MR PAUL HIGGINSON

Your Worship Mayor Wellington and Councillors

Paul Higginson

I represent on this occasion, funding applicant Mr Greg Brockway, co-ordinator of the Great Southern District Display for Group 3 Agricultural Societies which encompass 20 Shires and this City, it being the largest of all.

May I refer to Agenda Item 3.1 before you and its attached recommendations for Community Funding, wherein Item 1268560 (5) recommends that Great Southern District Display Committee not be granted any funding from the City of Albany. Comments from the assessment committee are threefold, they being that:

- 1 “the event is not held in Albany”
2. “Majority of funding asked from the City”
3. “No supporting materials, low quality application, not clear what other LGA’s are supporting”.

With respect to the first comment, the District Display is exhibited at the Perth Royal Show annually to promote awareness of the agricultural and industrial produce from each Group’s Region. The diversity can be seen in the photograph of last year’s display provided to you. A wide variety of our produce is represented here. It provides a conduit for Shires and the City of Albany to inform and encourage tourism.

With respect to majority funding; Albany is the largest LGA in the region with most to gain.

With respect to the third comment; the applicant (an Albany ratepayer) is filling the role of recently departed stalwart Frances Crowley, a great driving force of the District Display for many years prior to her passing. He undertakes, with assistance of other people of like interest; the significant task of managing the project from start to finish along with seeking financial support from those who will ultimately benefit. This group of volunteers does all the work and so there are no quotations available. 16 Shires within this Group, along with Albany gave financial assistance in 2011 with volunteers recovering out of pocket expenses from funding provided. They collect and return the display items from across the region along with many visits to hardware stores.

Albany was granted Guest Town status in 2011 by the RAS with an outstanding opportunity for the promotion of Albany in particular. A banner hangs prominently in your foyer in recognition for “Design and Presentation” of your own display in 2011. Your CEO, Mayor and a Councillor were in attendance, recognising the importance of promotion of Albany at the Perth Royal Show.

The theme of the Display this year is “From Paddock to Port and Beyond”. With only two ports in the Region; the District Display provides the 70 to 100 thousand visitors to the Centennial Pavilion access to vision and material encouraging them to tour this region and Albany in particular.

It is incumbent on our City, on behalf of its population to support the promotion of local attributes to the largest face to face audience available in Western Australia.

Your ongoing support is essential to the District Display and its objective of promoting the value of Albany to a vast audience.

The District Display team asks that you review the recommendation prior to adoption and consider granting a sum up to \$2000 for this great promotional opportunity. It may be that your contribution can be alternatively sourced from the City's promotional budget, thus continuing the interest generated by the City with its 2011 Royal Show promotion.

Thank you for your indulgence. I seek to table this document.

MAYOR'S REPORT

TUESDAY, 21 August 2012

Councillors, Staff, members of the public.....

Below is a brief summary of Mayoral Office activities since the last Ordinary Council Meeting held on 17 July 2012.

- Citizenship Ceremony – 38 conferees
- Private Citizenship Ceremony – 3 conferees
- Numerous radio interview commitments on the topics – Deregulated Trading – Anzac Centenary – Announcement at Mt Clarence – Anzac Funding , Premier
- RAC Board Presentation and Lunch
- Open Find Cancer Early Public Lecture
- Deregulation Forum – Civic Rooms
- Meetings and workshops – Gary Hunt
- Attend WALGA Conference – Perth
- Attend Special State & Local Government Forum – Perth
- Attend WA Regional Capitals Alliance – Perth
- Council attendee at reception Government House Ballroom – Perth
- Council attendee – AEC performance of 2012 winner of Judges Sydney International Piano Competition
- Meeting with Professor Paul Johnson, Vice Chancellor UWA – Great Southern Development Committee
- Council attendee – Albany Apex Club AGM/Dinner
- Official Opening MEGT Australian Apprenticeships Centre
- Attend “Announcement” Premier Colin Barnett – “Lunchtime Meeting” with Premier
- Council attendee AEC – Youth on Health Festival
- Mayors Christian Businessmen’s Association Breakfast
- Council attendee - Vietnam Veterans Day Memorial Service
- Tourism WA Regional Road Show 2012 Meeting – COA

TABLED ADDRESS BY COUNCILLOR BOSTOCK

Speech in support of agenda item 15.1, presented at the August, 2012 OCM by David Bostock.

Draft town planning scheme 1 includes a number of rezoning suggestions which will, if adopted, have the effect of devaluing the privately owned land to which they apply. Specific examples include rezoning rural land to 'conservation' or 'parks and recreation', resulting in significant restrictions on the uses to which the land can be put and, in some cases, the owner being deprived of his control entirely.

When the land was initially alienated from the Crown, the purchaser and Crown agents signed a legally binding agreement, the purchaser paying a fair and reasonable price for a defined use of the land, so attempting to move the goal posts now represents a clear breach of faith, which would be unlawful if both parties were private individuals.

Although I have sometimes been accused of communistic tendencies, that is far from the truth and I cannot accept that the benefit to society as a whole should over ride the welfare of individuals, except in the case of dire emergency. Although a passionate believer in democratic government, I am also aware of its disadvantages, one of which is the danger that the rights of minority groups can be lost sight of and one way of judging the legitimacy of a democratic system is by examining its treatment of minorities.

The simple test for ethical behaviour, and one which has been recognised for at least the past 3,000 years, is to ask whether a course of action you are proposing towards another person would be acceptable were it being done to you, and if the answer is no then it is not justified.

In the present circumstances the rezoning of land from rural to conservation will result in a significant restriction in its use, if not to the present owner then to any person who subsequently takes control. There are many activities on conservation land that are not permitted, including farming activity, the keeping of some pets, including horses, grazing of farm animals and silviculture, all of which are permitted in the current zoning class. Rezoning to parks and recreation is even more restrictive and will ultimately lead to complete loss of control of the land purchased from the Crown in good faith.

In addition, future rezoning of land to a more advantageous category is unlikely to be allowed. It is, therefore, inevitable that these owners will be financially penalised, in addition to having the quiet enjoyment of their property affected, which I cannot believe any individual would welcome or consider acceptable in a supposedly democratic country, although it would no doubt be perfectly normal in China.

Although we have been informed that the current owners may be able to continue with their present use of the land, Mr. Putland has confirmed that new uses which are permitted now, will not be allowed if the zoning is changed and although some compensation MAY eventually be forthcoming my experience of Government is that it would be like trying to get blood out of a stone and would, in any case, be minimal.

Further more, I have seen no rationale for suggesting these unfair rezoning proposals and find it difficult to comprehend why we are even considering such blatantly discriminatory actions. We ignore the legitimate concerns of individuals at our peril and I implore you to support this motion,

TABLED ADDRESS BY COUNCILLOR BOSTOCK

out of self interest if for no more worthy reason. In this regard it is worth considering the motto of the WA land rights group; " If they can do it to others ,don't assume they won't do it to you".

Thank you.