

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 21st November 2006
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 23rd November 2006

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1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.00pm and extended a welcome to all present.

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Acting Executive Director Corporate & Community Services	-	W Parker
Executive Director Works & Services	-	L Hewer
Manager Development Services	-	R Fenn
Minute Secretary	-	JR Byrne

Approximately 45 members of the public
2 media representatives

Apologies - P Lionetti

Leave of Absence - SM Bojcun

Guests

Manager Local Government Support and Development, DLGRD	-	J Law
Chief Executive Officer Shire of Derby / West Kimberley	-	J Pearson

3.0 OPENING PRAYER

Mayor Goode read the opening prayer:

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following is an extract of a letter from Executive Director Development Services Robert Fenn to Ms Dot Price, in response to the questions asked at the 17 October 2006 Ordinary Council Meeting, and previously asked at the 18 July 2006 Ordinary Council Meeting:

Item 4.0 continued

'I refer to your comments that you made at the Ordinary Meeting of Council on the 17th October, wherein you highlighted that questions posed by you at the July meeting remained unanswered. Please accept my apology for that oversight.

In order of the questions you raised, I wish to advise;

What strategies does the Council have for publishing the SAT findings (on the Earl Street Appeal) to its Ratepayers?

City of Albany staff are regularly required to defend decisions and commence legal proceedings before the State Administrative Tribunal on issues relating to fire control, dog control, valuation and town planning matters. The outcomes of those proceedings are reported to elected members and, in a controversial case, a press release may be issued by the City. The public can access SAT determinations upon the Tribunal's web page <http://www.sat.justice.wa.gov.au>.

What strategies does the Council have for ensuring that the SAT findings, and the full implications for developers, including residents, are clearly communicated before development plans are accepted for consideration by this Council?

The City of Albany administrative processes are constantly reviewed in light of legal advice received from Council's solicitors, from the outcomes of Tribunal determinations and from changes in legislative processes. The comments made by the Tribunal members, regarding City of Albany policies and procedures, will be acted upon as quickly as the resources and protocols can be put in place.

Constant changes to legislation (eg introduction of energy efficiency standards, modifications to R Code standards) or a change in a Council policy cannot always be easily communicated to designers, residents and the public. Nonetheless, the City of Albany does produce a regular newsletter which is distributed to designers, architects, builders and other professionals in the development industry on changes in practice.

What strategies does the Council have for ensuring that planning proposals which do not contain all the required information are returned, without formal consideration or action, to the proponents for completion?

The City of Albany does not have a policy of returning incomplete planning applications and would be opposed to the introduction of such a strategy. Very few applications lodged with the City "contain all the information" and staff endeavour to work with developers to rectify any deficiencies. The City's Customer Service Charter places customer service as our highest organisational priority; the City of Albany is aware that some local authorities and State Government agencies return incomplete applications and the City considers that practice demonstrates poor customer service.'

5.0 PUBLIC QUESTION TIME

* **G Findlay, representative of Albany Classic Motor Event**

Mr Findlay addressed the Council in regard to Item 12.6.2 Albany Classic – Assistance for Albany Classic Motor Event. Mr Findlay detailed the history and current format of the Event and its importance for tourism in Albany. He further indicated that the Event was growing too big for the Volunteer Sports Car Club to manage on its own and support the assistance of the Council to continue to manage the funds associated with the Event, increase its financial commitment, and provide a dedicated City employee as a contact point for Event organisation.

* **B Hammer**

Mr Hammer addressed the Council in regard to Item 11.2.1 Off Road Vehicles – Cheynes Beach. Mr Hammer sought to prevent any Off Road Vehicle access to beaches and reserves. He spoke to various aspects of the report and spoke against the Officer Recommendations.

* **F Moreno**

Mr Moreno addressed the Council in regard to Item 11.1.1 Development Application – Change of Use of Residence and Caretakers Dwelling to Holiday Accommodation – Lot 116 Eden Road, Nullaki. Mr Moreno objected to the application on the basis that bushfire threat in the area is a significant threat, recognised in the development standards for the area. He stated that allowing holiday accommodation in the area would increase the threat to both public safety and the environment.

* **C Marshall**

Ms Marshall addressed the Council in regard to Item 11.2.1 Off Road Vehicles – Cheynes Beach. Ms Marshall sought to only allow registered vehicles and registered Off Road Vehicles permitted on beach areas between low and high water mark.

* **G Dibble**

Mr Dibble addressed the Council in regard to Item 11.2.1 Off Road Vehicles – Cheynes Beach. Mr Dibble sought to have beaches opened for all users, including Off Road Vehicles. He indicated he fully supported Registration of Off Road Vehicles, wearing of safety gear and sensible use of Off Road Vehicles.

* **K Wals**

Ms Wals addressed the Council in regard to Item 11.2.1 Off Road Vehicles – Cheynes Beach. Ms Wals sought to prevent all Off Road Vehicle activity on Cheynes Beach.

* **S Liddiard, Secretary of the Lower Kalgan Progress Association Inc.**

Ms Liddiard addressed the Council in regard to seeking re-development of Nanarup Road from the Lower King Bridge to the Lower Kalgan Bridge. Ms Liddiard's presentation stated that there are safety issues with the Nanarup Road. Ms Liddiard presented a 406-signature petition requesting 'The City of Albany to reconsider increasing the width of the Nanarup Road (between the Lower King and Lower Kalgan Bridges) to allow for safe passage of pedestrians and cyclists.'

* **D Cielak**

Mr Cielak addressed the Council in regard to Item 11.1.1 Development Application – Change of Use of Residence and Caretakers Dwelling to Holiday Accommodation – Lot 116 Eden Road, Nullaki. Mr Cielak is the proponent and stated that he felt the Officer's Recommendation had taken a balanced approach and requested Council to support the Officer Recommendation.

Item 5.0 continued

At 7.30pm Her Worship the Mayor sought the Council's approval to extend Public Question Time in accordance with Clause 2.3 (1) of the City of Albany Standing Orders Local Law. Public Question Time was extended by a unanimous show of hands.

*** K Buttfeld, Injury Prevention Coordinator, Great Southern Population Health**

Ms Buttfeld addressed the Council in support of Ms Liddiard's earlier request (and petition) seeking re-development of Nanarup Road from the Lower King Bridge to the Lower Kalgan Bridge. Ms Buttfeld also requested that the Council renew action of the Cycling Master Plans developed in recent years.

*** C Carter**

Mr Carter addressed the Council in regard to Item 11.1.1 Development Application – Change of Use of Residence and Caretakers Dwelling to Holiday Accommodation – Lot 116 Eden Road, Nullaki. Mr Carter indicated he was opposed to any change of use, predominantly because of the increased noise intrusion that would occur.

*** T Harrison**

Mr Harrison addressed the Council in regard to development works at the Albany Port and associated environmental impacts. Mr Harrison read aloud from a letter that he has prepared, to send to the Department of Environment (with a copy to the City of Albany), regarding the 'flushing dynamics' of Princess Royal Harbour and environmental changes that will arise from development of the new berth for Grange Resources.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 17th October 2006; and
- Special Council meeting held on 27th June 2006;

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

Reason:

A review of the minute books from June 2006 indicated that the minutes of the Special Council meeting held on 27th June 2006 had not yet been confirmed.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT the following minutes:

- **Ordinary Council meeting held on 17th October 2006; and**
- **Special Council meeting held on 27th June 2006;**

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

MOTION CARRIED 13-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.0 DISCLOSURES OF FINANCIAL INTEREST

Councillor Williams – Item 11.1.5

Councillor Paver – Item 14.4.1

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Ms Sarah Liddiard, Secretary of the Lower Kalgan Progress Association Inc. presented a 406-signature petition requesting 'The City of Albany to reconsider increasing the width of the Nanarup Road (between the Lower King and Lower Kalgan Bridges) to allow for safe passage of pedestrians and cyclists.'

Development Services

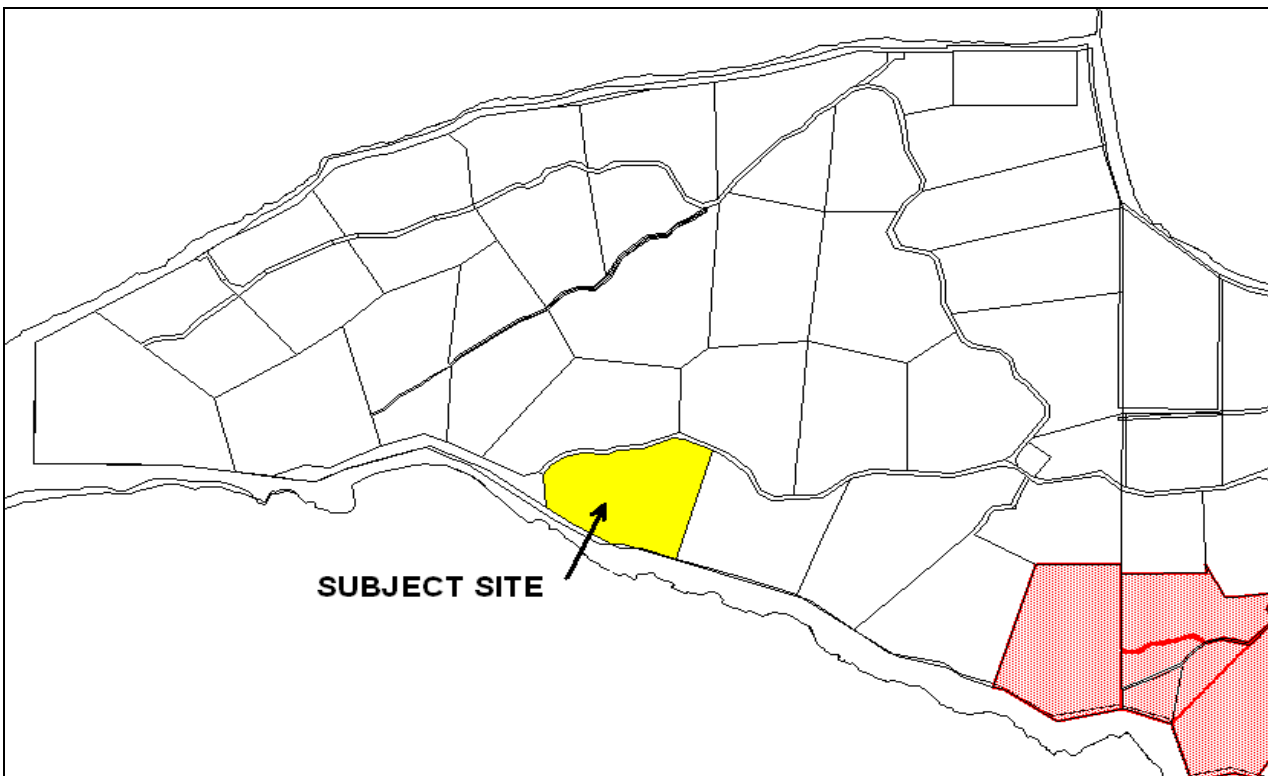
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application - Change of Use of Residence and Caretakers Dwelling to Holiday Accommodation - Lot 116 Eden Road, Nullaki

File/Ward	: A165369 (West Ward)
Proposal/Issue	: Change of Use of Residence and “Caretakers Dwelling” to “Holiday Accommodation”
Subject Land/Locality	: Lot 116 Eden Road, Nullaki
Proponent	: David Cielak
Owner	: David Cielak
Reporting Officer(s)	: Planning Officer (I Humphrey)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Refuse the change of use for the caretakers dwelling and support the change of use for the residence
Bulletin Attachment	: Submissions on application
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received for a change of use of the existing dwelling and the caretaker's accommodation upon Lot 116 Eden Road, Nullaki to "Holiday Accommodation". The existing buildings (and development envelopes) were approved under planning application P245185, with the completion date on the Building licenses being October 2005 for the dwelling, and January 2006 for the caretaker accommodation.
2. The 32.7ha lot is zoned "Conservation" under Town Planning Scheme 3, with the applicant proposing no additional alterations or extensions to the existing buildings. The applicant has submitted additional information as justification for the proposal, and this can be summarised as:
 - *Our caretaker does not live on site and the necessity of this has not proved to be required or practical. In fact, there is only one residence that we know of on the Nullaki that has a caretaker, that being of the original developer. Security for our site has not proved necessary, nor is it an issue and the maintenance requirement is minimal because the buildings are new.*
 - *Regular surveillance of our property and the public use areas, which is located near Anvil Beach, would actually be enhanced by the use of our caretaker's cottage and main house for short-term accommodation. This is because our caretaker and cleaner would actually be on site significantly more often than at present. We currently use the main house about 6 - 8 times per year and the caretaker's cottage has not been used at all.*
 - *Having the caretaker on site more often, especially during the summer months, would aid in risk management in regards to fire suppression. That is, in the event of fire they would be able to turn on the dampening and sprinkler system.*

STATUTORY REQUIREMENTS

3. The purpose of the Conservation Zone is to provide for limited subdivision and development where it can be demonstrated that such development will be compatible with the protection of, and where appropriate rehabilitation of, the flora, fauna and landscape qualities of the zone.
4. The application has been accepted as a 'Use not listed' as the criteria set out for the site under Conservation Zone 1, clause 3 (land use) of the scheme does not specifically permit the use Holiday Accommodation. However, it does permit, "*subject to the special Approval of Council, other incidental or non defined activities considered appropriate by Council which are consistent with the objectives of the zone*".

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

5. “Caretakers Accommodation” is a permitted land use under Conservation Zone 1 section 3 (land use), and is defined as:
- *“Caretakers Accommodation” (maximum floor area 150 m²) limited to six within Conservation Zone Area No. 1, located subject to specific application and approval. In assessing applications for caretakers accommodation, Council will aim to provide the greatest security and management benefit and shall have regard to relevant issues including the need to ensure caretakers accommodation is strategically located throughout the Peninsula in order to maximise surveillance and security of house sites, public use nodes and environmentally sensitive areas such as Anvil Beach and the sand blowouts.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Restoration, and protection, of areas of high biodiversity within land, river and sea ecosystems.*

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

- *Providing a complete tourism experience.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance.*

Priority Projects:

Nil”

COMMENT/DISCUSSION

9. 16 letters were received regarding this application (copies included in Elected Members Report/Information Bulletin) following the advertising period, 11 in objection and 5 in support. A summary of the comments follows:

Objections:

- Does not comply with general thrust of wilderness zoning for the area and is contrary to the current restrictions. Purchasers were made aware of restrictions at time of purchase.
- Will affect the quiet enjoyment of owners of property on the Nullaki by the increased use by holidaymakers that are unfamiliar and insensitive to the unique habitat.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- Use could set an unwanted precedent.
- Holidaymakers could, due to their lack of local knowledge and bush fire dangers, create fire hazards and damage natural vegetation.
- Local roads are dangerous and their use by infrequent visitors to the area could result in dangerous road conditions.
- The constant visitors to the area will lead to an increase in the potential for dishonest behaviour.

Support:

- More visitors to the site would increase surveillance.
 - Sufficient space exists between houses to ensure little or no impact on others.
 - An empty house is more vulnerable to intruders and visitors would be a diversion from the usual traffic.
 - Visitors benefit local communities and economy.
 - There is a lack of holiday accommodation on the Nullaki.
 - The type of holiday accommodation proposed is likely to attract families and a conservative clientele.
10. The application does raise two specific issues, the first the use of the “Caretakers Accommodation” for “Holiday Accommodation”, and the second being the change of use of the dwelling to “Holiday Accommodation”.
 11. The previous approval (P245185) did not specifically state that the occupiers of the “Caretakers Accommodation” must solely be for a caretaker. However, the term has a common meaning, the Macquarie Dictionary describing a caretaker as *“a person who takes care of a thing or place, one whose job it is to maintain and protect a building or group of buildings”*.
 12. Conservation Zone 1, section 3 (landuse), does specify in detail, the use and location of “Caretakers Accommodation” and the importance of their role within the Nullaki Conservation Zone. The applicant has stated that, by allowing a holiday use within the “Caretakers Accommodation’ building, more people would visit the site. However, for the surveillance and security elements to be properly addressed, the temporary occupants would need to be aware of previous environmental conditions and the activities of neighbouring landowners. Also, with regard to risk management and fire suppression, it is unlikely that visitors would be sufficiently trained in the operation and servicing of the damping and sprinkler system. If this system is not operated as required, it could result in an increased risk to their safety.
 13. The applicant’s decision not to have a full time caretaker occupy the “Caretakers Accommodation” building (constructed less than 1 year ago) is a personal choice, based on their own risk assessment.
 14. The objectives of the “Conservation” zone clearly imply that an increased use of the land, which will impact on the environment, should not be supported. It could be argued that the use of the residence for part time occupation would have little additional impact over a full time resident. Therefore, as this part of the proposal is not inconsistent with the objectives of the scheme, the change of use of the residence could be supported.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

15. The change of use of the “Caretakers Accommodation” to “Holiday Accommodation” cannot be supported as the proposed occupiers would not be performing a caretaker’s role. Council would be effectively approving a second dwelling on the lot which would be contrary to Conservation Zone 1 provisions and the objectives of the zone.

RECOMMENDATION

THAT Council;

- i. resolves to issue a Planning Scheme Consent for the change of use of the dwelling to “Holiday Accommodation” at Lot 116 Eden Road, Nullaki.
- ii. resolves to issue a Notice of Planning Scheme Consent Refusal for the application to change of use of the “Caretakers Accommodation” to “Holiday Accommodation” at Lot 116, Eden Road, Nullaki as the proposed change of use is inconsistent with the objectives and principles of the Conservation Zone in Town Planning Scheme 3.

Voting Requirement Simple Majority

.....

The motion lapsed for want of a mover.

DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application – Single Residential Dwelling – Lot 652 La Perouse Court, Goode Beach

File/Ward	:	A185737 (Vancouver Ward)
Proposal/Issue	:	Proposal to construct dwelling
Subject Land/Locality	:	Lot 652 (36) La Perouse Court, Goode Beach
Proponent	:	B Goldsmith & C D’Emden
Owner(s)	:	B Goldsmith & C D’Emden
Reporting Officer(s)	:	Planning Officer (J Ashton)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/07/2003 – Item 11.3.2 OCM 15/04/2003 – Item 11.3.3 OCM 18/03/2003 – Item 11.3.2
Summary Recommendation	:	Grant Planning Scheme Consent
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received for a single residential dwelling at Lot 652 La Perouse Court, Goode Beach. The lot was formerly part of Lot 401 La Perouse Court, Goode Beach.
2. At it's meeting dated 15 April 2003 Council resolved to:
 - (i) *advertise the draft Local Planning Policy titled 'Building Envelopes within Special Residential Area No 8' for a period of 21 days in accordance with Clause 6.9.2(b) of Town Planning Scheme No. 3, including the requirement on Lot 655 to install an effective sprinkler system to protect the dwelling, and the repositioning of building envelopes on Lots 653 and 654 to the gully;*
 - ii) *advise the proponent that the following would need to be undertaken prior to Council issuing subdivision clearance for the nine special residential lots:*
 - a. *the design and construction of the boardwalk and stairs down to the beach being undertaken in accordance with the specifications outlined by Council;*
 - b. *measures being undertaken to stabilise those areas adjacent to the path which have been cleared, which should include the revegetation of the area to promote a long term solution to erosion;*
 - c. *any cleared areas, outside the requirements of the subdivision condition are to have:-*
 - i. *the ridgelines reinstated to their original topography;*
 - ii. *revegetation with indigenous native vegetation; and*
 - iii. *any fill being removed so that the natural ground level is returned.*
 - d. *any fill within the proposed building envelopes being removed so that the level of the site is returned to it's natural level;*
 - e. *the strategic firebreak being provided on an alignment similar to that shown in the plan within this report, and ground-truthed with a representative of Council's Planning and Rangers Departments;*
 - f. *the clearing and fill on Lot 654 being reinstated to its natural level and revegetated with local, endemic species;*
 - g. *a consolidated access point, serving lots 653 and 654 be identified and submitted to council for approval with reciprocal rights of access being apportioned to this singular access point to legitimise access for both lot owners; and*
 - h. *the revegetation with indigenous native species of the areas which have been cleared adjacent to the PAW and strategic firebreak;*
 - iii) *require staff to refer all Planning Scheme Consents to Council for determination for lots 401 and 402;*
 - iv) *request that the Hon. Minister for Planning and the Hon. Minister for Environment investigate all the subdivision approvals issued for Lot 401 by the WAPC in particular addressing the following issues:-*
 - i. *reduction of 70m coastal setback in Special Residential Zone;*
 - ii. *reduction of Public Open Space from 10.5ha to 6.82ha;*
 - iii. *no minimum lots size (was 2000m²); and*
 - iv. *reduction of foreshore reserve (1.3ha) being ceded to crown at time of this subdivision.*
 - v) *request staff to re-examine the position of the building envelopes prior to final adoption of the draft LPP;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- vi) *request the Executive Director for Development Services to prepare a report to re-examine the Subdivisional Guide Plan and Scheme Provisions for a potential scheme amendment; and*
 - vii) *Council revise / revisit the Foreshore Management Plan and require endorsement by all relevant government agencies.”*
3. The proposed dwelling has been referred to Council for consideration, in accordance with point (iii) of the above resolution.

STATUTORY REQUIREMENTS

4. The land is zoned ‘Special Residential (Area No. 8)’ under Town Planning Scheme No 3, whereby a single residential dwelling is a permitted use. The scheme requires compliance with a range of provisions inclusive of building setbacks, height, materials, colour, fire control and the provision of services.

POLICY IMPLICATIONS

5. At it’s meeting dated 15 July 2003, Council resolved to adopt the policy entitled ‘*Building Envelopes within Special Residential Area No. 8*’. The policy was primarily introduced to realign building envelopes, affected by minor changes in the subdivision layout.
6. The Policy also included provisions to ensure that development pays particular attention to:
- *the minimisation of erosion, soil and vegetation disturbance;*
 - *ensuring that building envelopes do not conflict with, or detract from, the landscape in terms of their design, location, scale, height or otherwise; and*
 - *minimising the impact of the development on the physical environment, particularly in terms of foreshore management, bushfire control, on-site effluent disposal and other servicing requirements.*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to:...

- *Providing sound governance; and*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Priority Projects:

Nil

COMMENTS/DISCUSSION

9. The proposed dwelling has been located within the approved building envelope designated in the *'Building Envelopes within Special Residential Area No. 8'* policy. In relation to building height, the site datum of 6.72 metres was calculated. From this datum height, the Scheme allows for a maximum wall height of 5.6 metres and ridge height of 9.1 metres. The proposal meets the set height provisions: wall heights are within 5.6 metres and the ridge height is 6.7 metres.
10. The proposed development meets all the environmental and landscaping objectives the policy attempts to endorse. This includes the careful positioning of driveway access into the proposed garage.
11. The proponent has submitted a schedule of material and colours, the walls are to be weatherboard clad, in a sandstone / beach sand colour, and the roof is to be green to match the surrounding foliage in a colorbond finish. The decking is reeded pine and there is some brick paving within an undercover area at the main entrance.
12. In summary, the proposed dwelling is constructed of suitable materials and appears to be sympathetic to, and in harmony with, the landscape and surroundings, as per the requirements of the Scheme and associated Policy.
13. It is recommended that the development application be approved subject to conditions.

RECOMMENDATION

THAT Council resolves to instruct the delegated officer to issue a Notice of Planning Scheme Consent for a single dwelling at Lot 652 La Perouse Court, Goode Beach, subject to, but not limited to, the following condition:

- i) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.

Voting Requirement Simple Majority

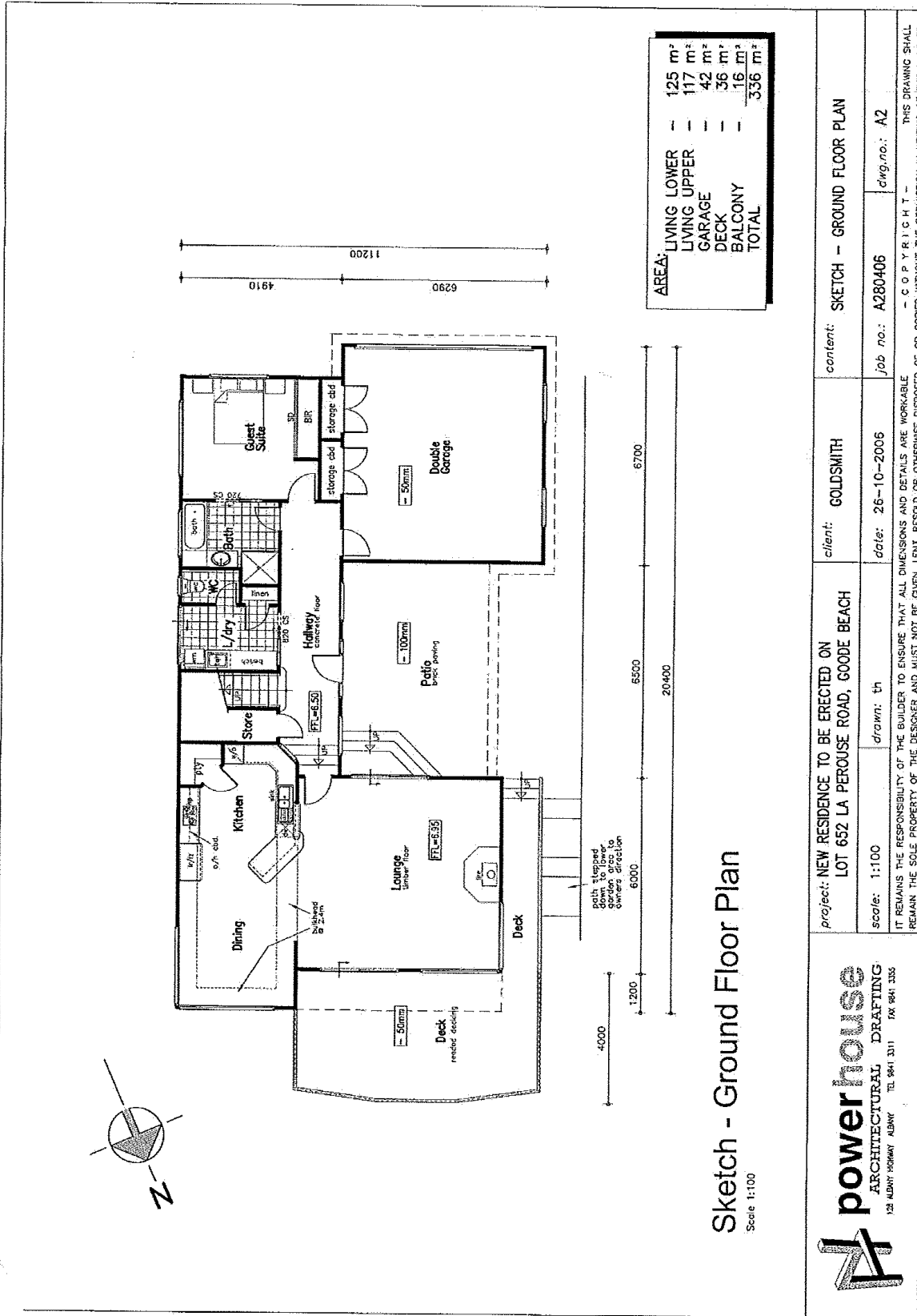
**MOVED COUNCILLOR MARHSALL
SECONDED COUNCILLOR PAVER**

THAT Council resolves to instruct the delegated officer to issue a Notice of Planning Scheme Consent for a single dwelling at Lot 652 La Perouse Court, Goode Beach, subject to, but not limited to, the following condition:

- i) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.**

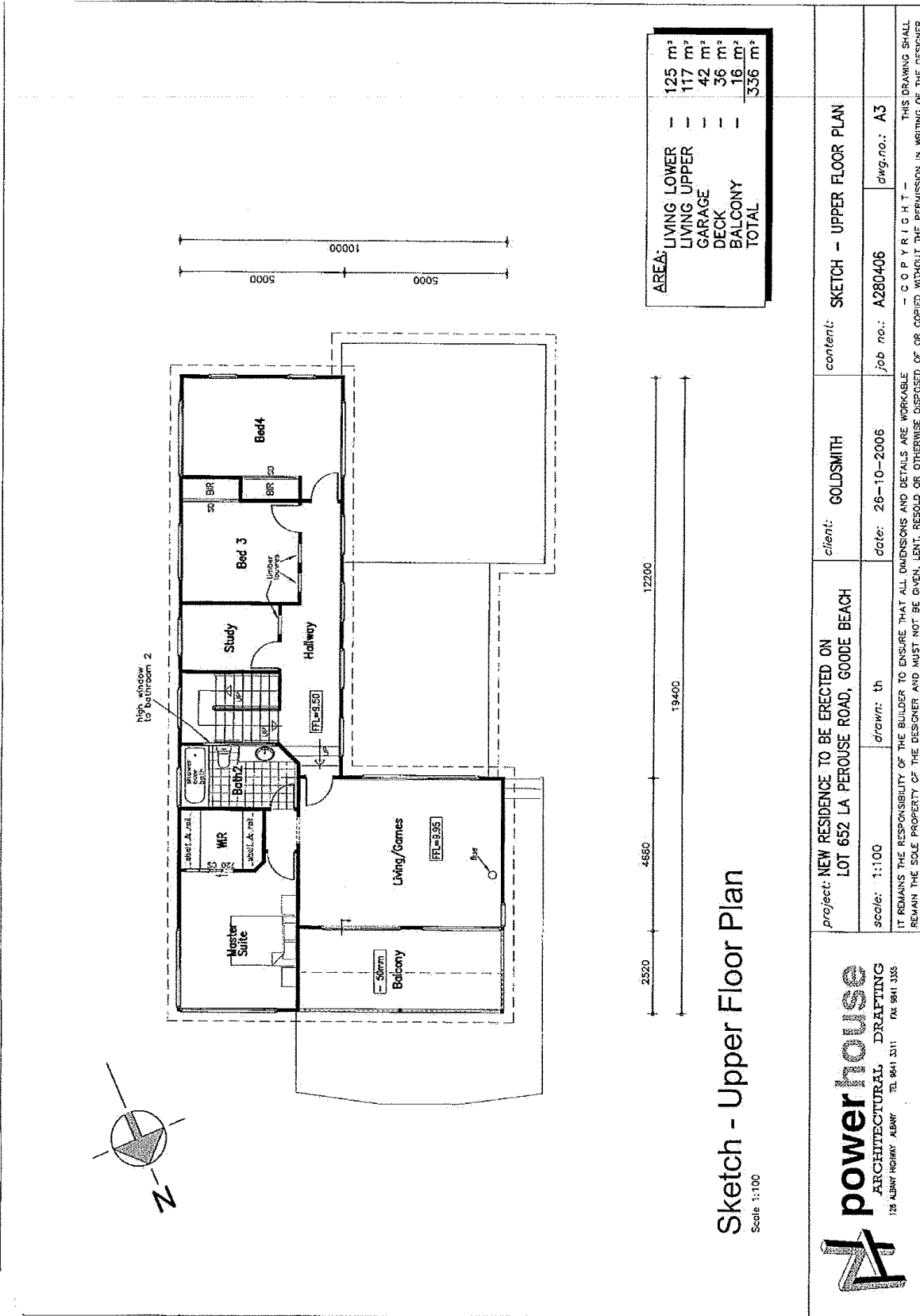
MOTION CARRIED 13-0

Item 11.1.2 continued




powerhouse ARCHITECTURAL DRAFTING 127 ALBANY HIGHWAY ALBANY TEL 9841 3311 FAX 9841 3355		project: NEW RESIDENCE TO BE ERECTED ON LOT 652 LA PEROUSE ROAD, GOODE BEACH	client: GOLDSMITH	content: SKETCH - GROUND FLOOR PLAN
scale: 1:100	drawn: th	date: 26-10-2006	job no.: A280406	dwg.no.: A2
IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE REMAIN THE SOLE PROPERTY OF THE DESIGNER AND MUST NOT BE GIVEN, LENT, RESOLD OR OTHERWISE DISPOSED OF OR COPIED WITHOUT THE PERMISSION IN WRITING OF THE DESIGNER - C O P Y R I G H T -				

Item 11.1.2 continued



Sketch - Upper Floor Plan
 Scale 1:100

 <p>powerhouse ARCHITECTURAL DRAFTING 128 ALBANY HIGHWAY ALBANY TEL 0641 3311 FAX 0641 3335</p>	project: NEW RESIDENCE TO BE ERICATED ON LOT 652 LA PEROUSE ROAD, GOODE BEACH	client: GOLDSMITH	content: SKETCH - UPPER FLOOR PLAN
	scale: 1:100	date: 26-10-2006	job no.: A280406
IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE REMAIN THE SOLE PROPERTY OF THE DESIGNER AND MUST NOT BE GIVEN, LENT, RESOLD OR OTHERWISE DISPOSED OF OR COPIED WITHOUT THE PERMISSION IN WRITING OF THE DESIGNER - C O P Y R I G H T - THIS DRAWING SHALL			

Item 11.1.2 continued

Sketch - West Elevation
 Scale 1:100

Sketch - South Elevation
 Scale 1:100

approx. Site Datum Height = 6.72
 (check with Local Council, if more favourable Site Datum Height can be achieved)

approx. Site Datum Height = 6.72
 (check with Local Council, if more favourable Site Datum Height can be achieved)

selected cladding
 colorbond roof @ 6° pitch
 selected aluminum window frames with flyscreen powder coat finish
 remote control panel-lift door
 selected cladding

5.4m nominal
 2700
 2400

selected cladding
 colorbond roof @ 6° pitch

selected cladding
 colorbond roof @ 6° pitch

remote control panel-lift door
 selected cladding

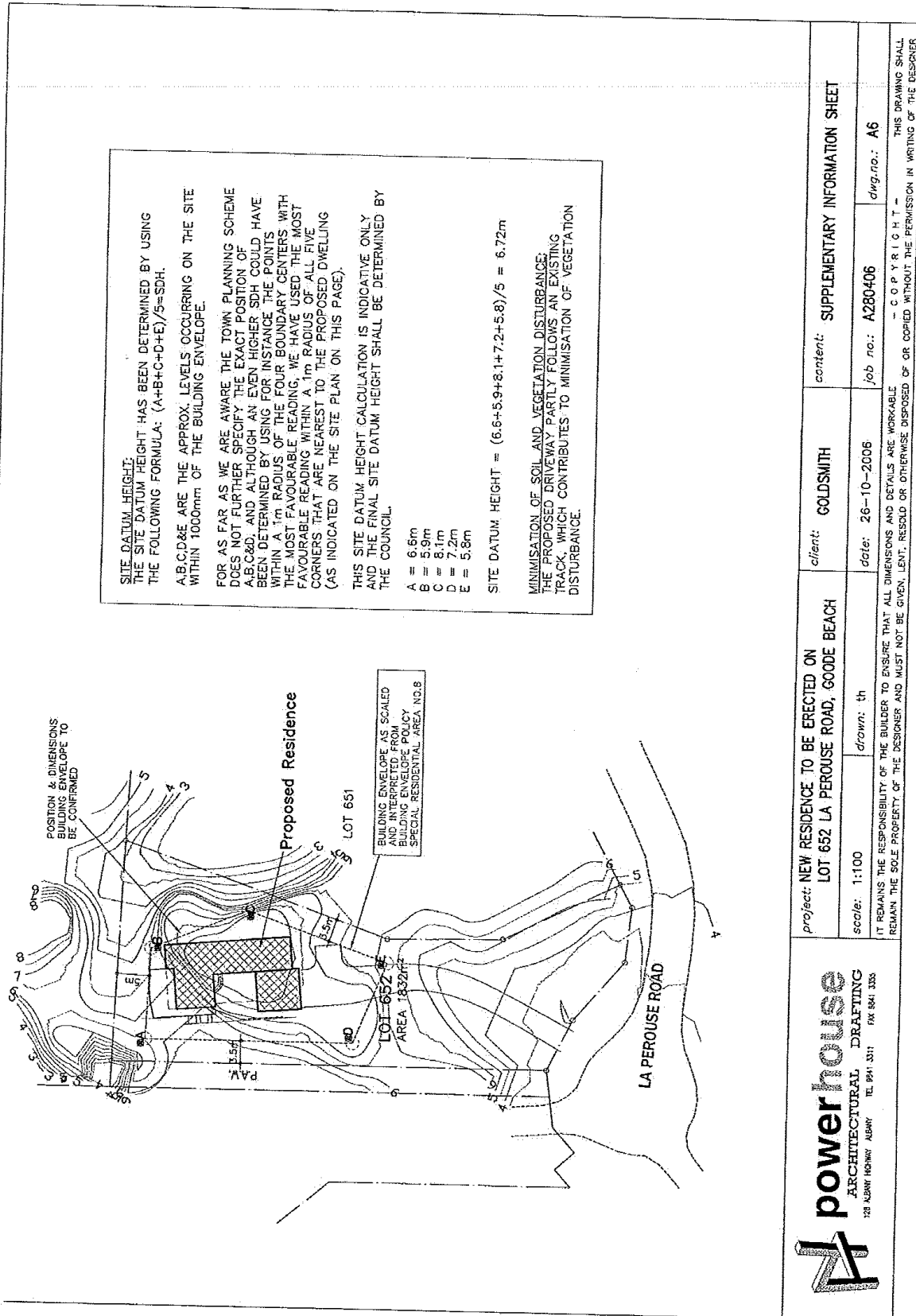
powerhouse
 ARCHITECTURAL DRAFTING
 129 ABBAY HURWAY ALBANY TEL 9841 3311 FAX 9841 3355

project: NEW RESIDENCE TO BE ERRECTED ON LOT 652 LA PEROUSE ROAD, GOODE BEACH	client: GOLDSMITH	content: SKETCH - WEST & SOUTH ELEVATION
scale: 1:100	date: 26-10-2006	job no.: A280406
drawn: th		dwg.no.: A4

THIS DRAWING SHALL REMAIN THE SOLE PROPERTY OF THE DESIGNER AND MUST NOT BE GIVEN, LENT, REPRODUCED OR OTHERWISE DISPOSED OF OR COPIED WITHOUT THE PERMISSION IN WRITING OF THE DESIGNER.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



project: NEW RESIDENCE TO BE ERECTED ON LOT 652 LA PEROUSE ROAD, GOODE BEACH

scale: 1:100

drawn: th

client: GOLDSMITH

date: 26-10-2006

content: SUPPLEMENTARY INFORMATION SHEET

job no.: A280406

dwg.no.: A6

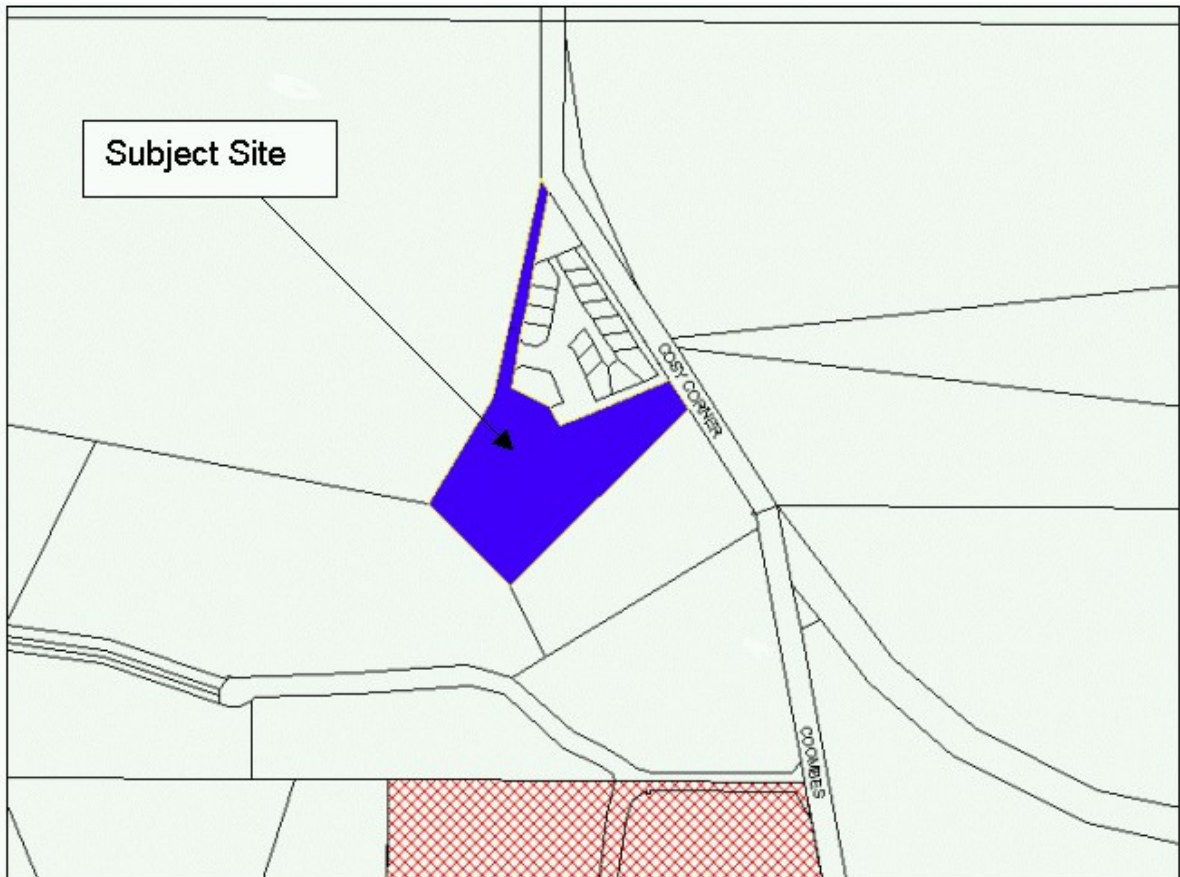
IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE AND REMAIN THE SOLE PROPERTY OF THE DESIGNER AND MUST NOT BE GIVEN, LENT, REPROD OR OTHERWISE DISPOSED OF OR COPIED WITHOUT THE PERMISSION IN WRITING OF THE DESIGNER

THIS DRAWING SHALL REMAIN THE PROPERTY OF THE DESIGNER

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application - Motel - 252 Cosy Corner Road, Kronkup

File/Ward	: A166686 (West Ward)
Proposal/Issue	: Motel
Subject Land/Locality	: 252 Cosy Corner Road, Kronkup
Proponent	: Concept Building Design
Owner	: JH Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (J Devereux)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Issue Notice of Planning Scheme Consent
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received for the redevelopment of the Torbay Motel. The intention is to demolish the existing Motel and to build 12, two storey motel units. A site plan and elevations are attached to the end of this report.
2. The proposed building will take up the same footprint as the existing motel. The development will use the existing vehicle access with a new car parking area.
3. Under the City of Albany's Development Services, Development Guidelines for Scheme No 3, the proposal is to be presented to Council for consideration as the value of the development exceeds \$1.5 million.

STATUTORY REQUIREMENTS

4. Under the City of Albany's Town Planning Scheme No.3 (Scheme) the use 'Motel' is a permitted use in the 'Motel' zone.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

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

- *Excellent community infrastructure and services;*
- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany is committed to...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. This application involves the demolition of the existing 10 motel units, restaurant, reception; and replacing it with 12, two-storey motel units.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

9. The development proposes 2 car parking spaces per unit, which is in excess of the Scheme requirements.
10. The bank in front of the development has been planted with native species found in the surrounding areas. These plants were planted about one year ago and will help to soften the development on the existing landscape.
11. The motel units will be for short term accommodation only and will be managed by an on site manager.
12. The development will have a colour scheme that will match the existing Torbay Village.
13. All stormwater and sewerage will be managed and contained onsite.

RECOMMENDATION

THAT Council resolves to instruct the delegated officer to issue a conditional Planning Scheme Consent for the development of a Motel at 252 Cosy Corner Road, Kronkup.

Voting Requirement Simple Majority

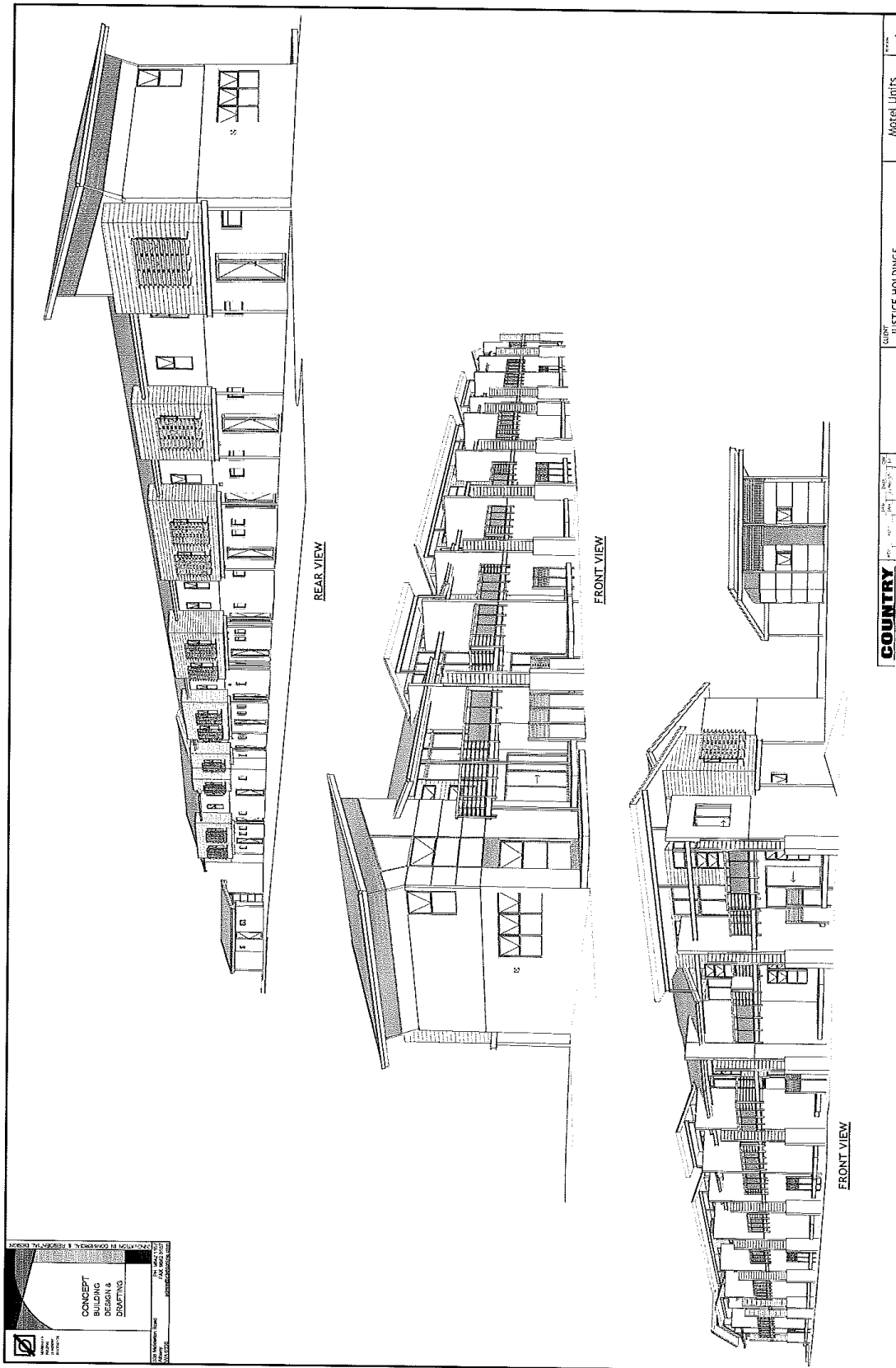
.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WILLIAMS**

THAT Council resolves to instruct the delegated officer to issue a conditional Planning Scheme Consent for the development of a Motel at 252 Cosy Corner Road, Kronkup.

MOTION CARRIED 13-0

Item 11.1.3 continued



DEVELOPMENT SERVICES REPORTS

11.1.4 Albany Ring Road Project – Request to Name Road

File/Ward	: SER079 (Kalgan & West Wards)
Proposal/Issue	: Naming of the Albany Ring Road
Subject Land/Locality	: Ring Road
Proponent	: Main Roads (Great Southern Region)
Owner	: Main Roads WA
Reporting Officer(s)	: Planning Officer (L Brown)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: The selection of one of the proposed names put forward by Main Roads
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. Main Roads Western Australia (MRWA) is currently constructing stage one of the Albany Ring Road Project, which is intended to serve as an alternative route for heavy vehicle movements between Chester Pass Road and Albany Highway.
2. MRWA is responsible for proposing a formal name for the new road and has approached Council to adopt an official name for the Albany Ring Road project so that the name can be put to common use.
3. Correspondence has been received from MRWA proposing a shortlist of three names, which has been compiled after an extensive consultation process. A copy of that correspondence follows this report item.
4. Council is requested to endorse only one of the names, so that MRWA may present the name to the Department of Land Information for final approval and the dedication of the road reserve.

STATUTORY REQUIREMENTS

5. The naming of all public roads, features, townsites and places in Western Australia resides with the Minister for Lands. The Minister is represented by the Geographic Names Committee (GNC). In order for the GNC to endorse the official name for this project, the Main Roads' proposal is required to demonstrate that:
 - The name meets GNC guidelines
 - The community and specific groups of interest have been consulted
 - The Local Government has provided endorsement for the proposed name

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to...

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

9. MRWA has ensured that all of the GNC requirements have been followed and met in respect to proposing a suitable name for the Albany Ring Road Project. MRWA has identified and contacted key stakeholders, informing them of the project and inviting them to propose a name. These groups are:
- The Department of Indigenous Affairs
 - The Aboriginal Heritage Reference Group
 - The Great Southern Development Commission
 - The Albany Historical Society
 - The Heritage Council (Great Southern Heritage advisor)
10. MRWA has also extended the invitation to propose a name to the Albany community in general. This was done with an advertisement being run twice in each of the local papers (Albany Advertiser and Albany & Great Southern Weekender). The Regional Manager of MRWA, Andrew Duffield, was also interviewed on local ABC talkback radio.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

11. Utilising the expert advice of the above key stakeholders, MRWA has short listed the list of proposed names down to three (in no particular order);
 - *Kinjarling*
 - *Convoy*
 - *Menang*
12. These names have been checked for authenticity with the relevant experts. The road 'type' will either be a "Road" or a "Drive".
13. For the sake of initiating debate, the name Menang Road has been recommended.

RECOMMENDATION

THAT Council endorse the road name of MENANG ROAD for the road reservation creating the "Albany Ring Road" and notify Main Roads accordingly.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT Council endorse the road name of MENANG ROAD for the road reservation creating the "Albany Ring Road" and notify Main Roads accordingly.

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

Proposed Names for the Albany Ring Road.

These names have been short listed from many submission made by the public of Albany. Council must endorse only one name. The road 'type' will either be a "Road" or a "Drive". The names are in no particular order:

Name: Kinjarling.

Origin: Aboriginal

Backing Information: Kinjarling is the Noongar name for Albany, which means the "Place of Rain". Kinjarling is a word (and spelling) that is accepted by local Noongar people and experts as a term used by the Noongar people of this region to describe their territory. Brad Goode and Associates (Anthropologists and Archaeologists) prepared a heritage study called the Kinjarling Report for the City of Albany, and Department of Indigenous Affairs which backs this information.

Supported By: The name 'Kinjarling' has been supported by the Department of Indigenous Affairs, The Southern Aboriginal Corporation, Albany Aboriginal Heritage Reference Group and the Albany Historical Society.

Name: Convoy

Origin: Military/Historical

Backing Information: Albany was the port chosen for the ANZAC fleet to gather prior to its departure for Europe in 1914. A memorial to this has been established on top of Mount Clarence. This name would be appropriate as the Ring Road goes to the port, which is where the ANZAC convoy left from.

Supported By: The name 'Convoy' was supported by the Albany Historical Society as being historically relevant to Albany.

Name: Menang

Origin: Aboriginal

Backing Information: Albany and its hinterland was part of the territory belonging to the 'Menang' linguistic group of the southwest Noongars. (taken from Broken Spears, by N. Green). Menang loosely means south and was first recorded by white settlers Issac Nind (ships surgeon) in 1829. The word was used to describe country (land) of the noongar people and therefore the group of Noongars that lived there. It is a subgroup Noongar language group.

Supported By: The name 'Menang' was supported by the Department of Indigenous Affairs, The Albany Aboriginal Reference Group and the Albany Historical Society. The spelling of 'Menang' is acknowledged by Noongar people in the Kinjarling Report.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

Background

Main Roads Western Australia is currently building Stage One of the Albany Ring Road Project. Stage One will link Chester Pass Road to Albany Highway (near the airport), to serve as an alternative route for heavy vehicle movements so they do not have to negotiate the main roundabout.

When all three stages are fully constructed, the Albany Ring Road will provide a viable, unimpeded, heavy haulage route for the transport of product including grain, fertiliser and woodchips to and from the Port of Albany.

During construction of Stage 1, Main Roads is seeking an official name for the Albany Ring Road project so that the name can be adopted into common use.

The responsibility for naming of roads, features, townsites and places in Western Australia resides with the Minister for Land Information. The minister is represented on the Geographic Names Committee (GNC). The committee is made up of individuals from:

- Department of Indigenous Affairs
- State Records Office
- Main Roads Western Australia
- Western Australian Local Government Association (2 representatives)
- Australia Post
- Urban Development Institute of Australia (WA Division) Inc.
- Department of Industry and Resources
- Fire and Emergency Services Authority
- Department of Land Information - Chairman.

In order for the GNC to endorse the official name for this project, Main Roads' proposal is required to demonstrate that the:

- The name meets GNC guidelines
- Community and specific groups of interest have been consulted
- The Local Government has provided endorsement for the proposed name

Method

Main Roads is following its own internal process to ensure that all requirements are met in proposing a suitable name for the Albany Ring Road Project. The process Main Roads has followed is outlined below.

1. Engage Community.

Main Roads has identified and contacted key stakeholders informing them of the project and inviting them to propose a name. These groups are;

- The Department of Indigenous Affairs
- The Aboriginal Heritage Reference Group
- The Great Southern Development Commission
- The Albany Historical Society
- The Heritage Council (Great Southern Heritage advisor)

Main Roads has also extended the invitation to propose a name to the Albany community in general. This was done with an advertisement being run twice in each of the local papers (Albany Advertiser and Albany & Great Southern Weekender). Regional Manager Andrew Duffield was also interviewed on local ABC talkback radio.

2. Short listing of Proposed names

MAIN ROADS Western Australia
report to CoA.doc

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

Utilising the expert advice of the above key stakeholders, Main Roads has short listed the high number of proposed names down to three. These names have been checked for authenticity with the relevant expert.

3. Endorsement by Local Government Authority

Main Roads has submitted this report along with the three short listed names for endorsement of a single official name by the City of Albany council at their meeting on the 21st November 2006.

What is required of Council?

In order for a name to be officially designated for the Albany Ring Road Project by the Department of Land Information, the local government authority is required to endorse the proposed name.

Main Roads requires the City of Albany to endorse one of the three short listed names so that it can be presented to the Department of Land Information for the dedication of the road reserve.

DEVELOPMENT SERVICES REPORTS

Councillor Williams declared a proximity interest in Item 11.1.5 and left the Chambers at 7.45pm. The nature of Councillor Williams' interest is that she owns land within the Yakamia Structure Plan area.

11.1.5 Environmental Survey – Yakamia Structure Plan Area

File/Ward	:	STR038 (Yakamia Ward)
Proposal/Issue	:	Analyse Vegetation and Other Environmental Issues in Yakamia Structure Plan Area
Subject Land/Locality	:	Numerous Lots Within Yakamia Structure Plan Area
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/11/05 Item 18.2 OCM 17/01/06 Item 11.3.1 OCM 21/06/05 Item 11.3.10
Summary Recommendation	:	Engage Consultant and Allocate Funds for Survey
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. In 2003, Council engaged the services of Allering Burgess Planning Consultants to prepare a Structure Plan, consistent with WA Planning Commission (WAPC) guidelines, over the short term growth area in Yakamia. That work culminated in a draft Structure Plan being advertised by Council in March 2004 and several submissions were received on that draft. The outstanding issue that arose from that process was the extent and the location of Public Open Space within the area affected by the Structure Plan; the standard 10% public open space contribution was being earmarked for environmental imperatives, to the detriment of the active recreational needs of the 2,700 households anticipated to be created in the new suburb, located 2.5km north-east of the Albany CBD.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

2. During on-going discussions with officers of the Department of Environment, concern was raised over the methodology employed to determine the quality of the vegetation within the Structure Plan area (the analysis was based upon two site specific surveys, previous broad scale mapping and a desktop evaluation of soils, etc to determine vegetation communities). The Structure Plan document reported that there were lots within the study area where the vegetation communities were in very good to excellent condition, however those communities were well represented throughout the locality and the region. In November 2005, Council provided additional funding to undertake a detailed spring survey of the vegetation (plus a desktop fauna evaluation) across the Structure Plan area and that report was subsequently submitted to the Department of Environment to reconcile the impact of the future urban form on the existing vegetation communities.
3. In January 2006 Council initiated an amendment to rezone portion of Lot 4743 North Road (the land fronting North Road, but excluding the City's administration building) and that amendment was referred to the EPA as part of the statutory processes. The Authority has advised, pursuant to Section 48C(1)(a) of the *Environmental Protection Act 1986*, that it requires more detailed environmental work to be undertaken prior to the amendment being advertised. That work includes:
 - a regional survey of vegetation to place the vegetation communities on the subject site within a regional context;
 - an evaluation of the wetland values within the study area;
 - an evaluation of the hydrological functions of Yakamia Creek and its foreshore areas;
 - a report on the surface and groundwater functions within the study area;
 - a detailed fauna survey;
 - an analysis of acid sulphate soils upon the site; and
 - an Aboriginal and European heritage evaluation.
4. Similar reporting requirements have been imposed upon the developers of the Bayonet Head (Heath Development Company / Landstart) and the Emu Point (Landcorp) developments. The Department of Environment and Conservation (DEC) has since advised that, for the purpose of determining a region against which local vegetation communities need to be compared, the "region" between Two Peoples Bay and the eastern shore of Wilson Inlet should be analysed.

STATUTORY REQUIREMENTS

5. Section 81 of the Planning and Development Act 2005 requires that Council undertake the environmental review in accordance with the EPA's instructions. Council is not permitted to advertise the scheme amendment until the environmental review is complete and forwarded to the EPA. The EPA may then advise that the environmental review has been undertaken in accordance with its instructions.
6. No budget allocation has been provided to undertake the additional environmental reporting and Section 6.8(1) of the Local Government Act 1995 states that Council is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by resolution (absolute majority required).

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

7. Further, Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires any project exceeding \$50,000 in value to be subject to a tendering process unless *“the Local Government has good reason to believe that, because of the unique nature of the goods and services required or for any other reason, it is unlikely that there is more than one potential supplier”*. Council is also unable to take anti-avoidance measures to overcome the tendering process.
8. Whilst there are numerous environmental consultancy firms who are capable of undertaking the work, ATA Environmental has been engaged to prepare the Bayonet Head and Emu Point components of the “consolidated regional survey” and, in response to questions put by City of Albany staff, the Department of Environment and Conservation has advised;

“Q. Do you consider that it would be practical for more than one environmental consultancy firm to be engaged by the various developers to undertake the environmental assessments at Bayonet Head, Emu Point and Yakamia and deliver an outcome that would meet the EPA’s requirement for a comprehensive regional strategy?”

A. Potentially yes, if both consultancies were to undertake the surveys simultaneously, however it would add significant complications. For the process to work the consultants would need to work in close collaboration, and use the same methodology. Effectively, they would need to function as a team, with regular (perhaps at times even daily) meetings to discuss collections/findings/methodology, to facilitate a collaborative survey. Incorporating experienced local botanists who had more extensive local knowledge and experience of the local flora and vegetation would be an advantage.

If it was envisaged that the consultancies would not be working simultaneously, then the questions of ensuring compatibility of methodology/identifications is to become more acute. Effectively this is equivalent to Phase I and Phase II etc. The smaller the areas considered in a phase, the more tenuous the process becomes. Equally, the more phases required to complete the region, the more complicated the issues of data integrity and mapping interpretation become. This approach would not be recommended.

Q. If Council was to delay the engagement of the environmental consultant for a period of time (say 1 to 2 years) would the EPA accept the reports on Bayonet Head and Emu Point (to be prepared by ATA Environmental) in isolation, or would they form stage 1 of the regional assessment?”

A. The reports would effectively become Stage 1 of the regional assessment. To enable assessment of relative significance they would be expected to provide the regional context maps, data and analysis (as discussed at our recent meeting), to demonstrate the regional extent, conservation status, condition, and likely ecological linkages for the vegetation communities within the Bayonet Head and Emu Point sites. Stage 1 would become a relatively smaller portion of the region if only the Bayonet Head and Emu Point areas are included and this has some disadvantages.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

- Q. *If the Bayonet Head and Emu Point reports are treated in isolation, would you support a report for Yakamia also in isolation, or would it form stage 1 of the regional strategy, or would you be seeking to have Yakamia included in a more comprehensive regional strategy (the phase two reporting requirement mentioned at our recent meeting)?*
- A. *A regional assessment report covering the Bayonet Head area would likely include reference to most of the upland communities found in the Yakamia Structure Plan area, but the creekline wetland communities are likely to be different. It would be desirable to include all remaining communities at Yakamia in the Phase II regional assessment structure, otherwise we are likely looking at a three phase process with increasing problems associated with complexity and integrity of data etc, as discussed in response to Question 1."*

POLICY IMPLICATIONS

9. The Environmental Protection Authority (EPA) Position Statement 2 entitled "Environmental Protection of Native Vegetation in Western Australia (December 2000)" seeks to ensure that land clearing is done in an ecologically sustainable manner and the actions meet the two key objectives of the National Strategy for the Conservation of Australia's Biological Diversity, namely the arresting and reversal of the decline of remnant native vegetation and limiting any further broad scale clearing of native vegetation to those instances in which regional biodiversity objectives are not compromised. In its Position Paper, the EPA was mindful that it is not always possible for the proponent alone to be able to ensure that biological diversity is adequately protected and that to do so may require the participation of Government to ensure that adequate areas are reserved.
10. A "desk top" report prepared for the City of Albany in 2001 identified that 37.8% of the City of Albany is covered by vegetation, of which 22.9% is located in reserved areas. 199 vegetation communities were identified in the region covered by the report, 31 of which have been reduced to a level described as being "endangered" and 7 communities are at levels described as "critically endangered" or "presumed totally destroyed". The report also highlighted that 99 of the vegetation communities have representation less than 10% in reserves and 48 vegetation complexes have no representation in existing reserves; verification of these findings and the creation of a regional strategy on vegetation is therefore seen as an important requirement of the EPA.

FINANCIAL IMPLICATIONS

11. A quotation has been received from a firm of competent environmental consultants to undertake the work required by the Environmental Protection Authority. That firm has the necessary botanist available to undertake the necessary surveys during the required periods and to report to the Authority by May 2007. The quotation supplied is \$239,250 (including GST). The fee includes substantial allocations for fauna investigations (approximately \$88,000), vegetation evaluation (\$31,900), aboriginal heritage reporting (\$17,600) and document assembly and consultation (\$46,200).

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

12. To determine whether the fee being sought reflects the competitive market, staff have spoken to several developers who have been faced with similar environmental requirements. Without exception, they have indicated that they have met similar and larger costs to discharge their obligations under the Environmental Protection Act.
13. This sum is in addition to the earlier flora survey on the site (\$20,000) and the consultancy fee to prepare the structure plan (\$85,500).
14. Council is actively pursuing the subdivision of its 19ha land holding in Yakamia and that subdivision could not proceed until the environmental matters outlined by the Environmental Protection Authority have been addressed. Whilst the cost of that work could be absorbed as part of Council's subdivisional program, the outcomes of the studies have equal applicability to other land in the Yakamia Structure Plan area. Negotiations have commenced with the major subdivider in the area to meet portion of the cost of the survey and the balance of the costs can be apportioned to the balance of the landowners through the Yakamia Structure Plan process.

STRATEGIC IMPLICATIONS

15. Over the next two decades, urban development in Albany is anticipated to be generated primarily from within the Yakamia and Bayonet Head growth cells; those areas have the capacity to produce over 5,000 residential lots. The supplementary urban land supply will be produced in areas such as South Lockyer, Collingwood Park, Little Grove, Big Grove and Emu Point.
16. Until a regional evaluation of vegetation is undertaken, future urban growth in Albany will be limited to cleared land which will result in further dispersion of the urban form (with inherent transport and community implications), lengthy delays in land supply whilst scheme amendments are undertaken, increased infrastructure costs and a City form which is car dependent.
17. Within the Perth metropolitan area, the Western Australian Planning Commission prepared the "Bush Forever" strategy to reconcile the level of vegetation that the State Government intends retaining within the City's ultimate boundary. A similar strategy has been prepared for the Peel / Bunbury region. No endorsed state strategy exists for Albany or the Great Southern region.

COMMENT/DISCUSSION

18. It has taken several months for the environmental consultant to prepare a detailed quotation to undertake the required work; the same consultant has already been engaged by Heath Development Company and Landcorp to evaluate vegetation communities on their respective subdivisional areas. It has not been practical to gain an earlier quantum of costs to complete the work for the Yakamia area, due to the difficulty of refining the scope of the study and gaining agreement on the boundary of the region that needs to be analysed; definition of "the region" was only achieved in the last week of October.
19. If work is not commenced immediately on this project, the capacity to undertake a spring survey of vegetation in 2006 will be lost. To meet the tender requirements outlined in the Local Government (Functions and General) Regulations would delay consultant engagement by a minimum period of four months (prepare tender documents, liaise with DEC on the scope of works, advertise tender, evaluate tender

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

- submissions, engage consultant). The resulting environmental work could then be undertaken in late 2007 (spring survey) and a report produced in summer or autumn of 2008. In both scenarios, the report and the amendment would then be subjected to normal advertising processes and a further delay of 12 months before the amendment was gazetted and the environmental clearances issued.
20. It is the belief of staff that within the current consultancy environment, there is effectively only one consultant available to undertake the work within a timely manner. That consultant has already clarified the scope of works to the satisfaction of the EPA and has the human resources on stand-by to undertake the field work prior to summer 2006/07. That same consultant is also engaged by private developers to undertake a regional analysis of vegetation communities that exist on land parcels elsewhere within the Albany urban area.
 21. Officers of the DEC have advised that uniform sampling methodology needs to be employed and consistency of reporting arrangements is essential for the EPA to acknowledge the findings in a strategic regional context; the EPA is accepting, reluctantly, these initial reports as being a sub-set of a more comprehensive regional strategy and continuity of work is required during these initial stages.
 22. On turning to the Regulations, the test that Council needs to apply under Regulation 11(2)(f) is whether or not it is unlikely that there is more than one potential supplier. Clearly there are numerous environmental consultancy firms operating within WA that have the capacity to do the required work. It is acknowledged that those firms are unlikely to be able to complete the work within the timeframe required by Council, however that is an inappropriate test to meet Council's obligations under the Regulations. Advice received from the DEC is that multiple firms are unlikely to be able to replicate the sampling methodology or provide the consistency of reporting that is required by the EPA to develop a regional vegetation strategy; by moving into an open tendering market, the development of lots in other areas, or at Yakamia, may be jeopardised (depending on which report the EPA gives greater weight to) and the EPA may decide not to accept any of the reports if their methodologies and findings are contradictory.
 23. Previous surveys have identified that the vegetation communities on Council's North Road land are represented elsewhere within the Yakamia Structure Plan area. Provided the additional research confirms the earlier analysis that those communities are well represented in the region (not part of the communities identified as being under threat) the opportunity exists to release over 2,700 lots at Yakamia into the residential land supply market. The initial cost of the survey is considerable and it is not possible to avoid those costs. Some cost savings would be created (transport costs, accommodation, etc) if the survey team is also engaged in research for other projects in Albany.
 24. If Council is able to develop all of Lot 4743, approximately \$2,000 per allotment would be paid to gain the appropriate environmental clearances. Those costs will be reduced if other subdividers also contribute through the Structure Plan process. To put that figure into context, over \$5,000 will be paid for water supply and sewer headwork charges for each lot.
 25. The environmental reporting was brought about by the desire to subdivide Lot 4743 North Road and it is a direct cost associated with the development of that land. The staff recommendation is that the project be initially funded from the "job 8500 - Land Development (Yakamia Subdivision)".

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

RECOMMENDATIONS

1. THAT Council, pursuant to Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations* resolves to engage the services of ATA Environmental to undertake an Environmental Review of Lot 4743 North Road in accordance with the instructions contained in EPA Instructions 1641 at a cost of \$239,250 (including GST) on the basis that the EPA is requiring continuity of sampling and reporting for the environmental work for it to become a stage one of a regional strategy and therefore there is only one supplier available to complete the task.
2. THAT Council pursuant to Section 6.8(1) of the *Local Government Act 1995* allocates a maximum of \$239,250 from “job 8500 - Land Development (Yakamia Subdivision)” to undertake the Environmental Review upon Lot 4743 North Road and that staff pursue the available mechanisms to proportionally recoup that expenditure from other landowners within the Yakamia Structure Plan area.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EMERY**

1. **THAT Council, pursuant to Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations* resolves to engage the services of ATA Environmental to undertake an Environmental Review of Lot 4743 North Road in accordance with the instructions contained in EPA Instructions 1641 at a cost of \$239,250 (including GST) on the basis that the EPA is requiring continuity of sampling and reporting for the environmental work for it to become a stage one of a regional strategy and therefore there is only one supplier available to complete the task.**
2. **THAT Council pursuant to Section 6.8(1) of the *Local Government Act 1995* allocates a maximum of \$239,250 from “job 8500 - Land Development (Yakamia Subdivision)” to undertake the Environmental Review upon Lot 4743 North Road and that staff pursue the available mechanisms to proportionally recoup that expenditure from other landowners within the Yakamia Structure Plan area.**

**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

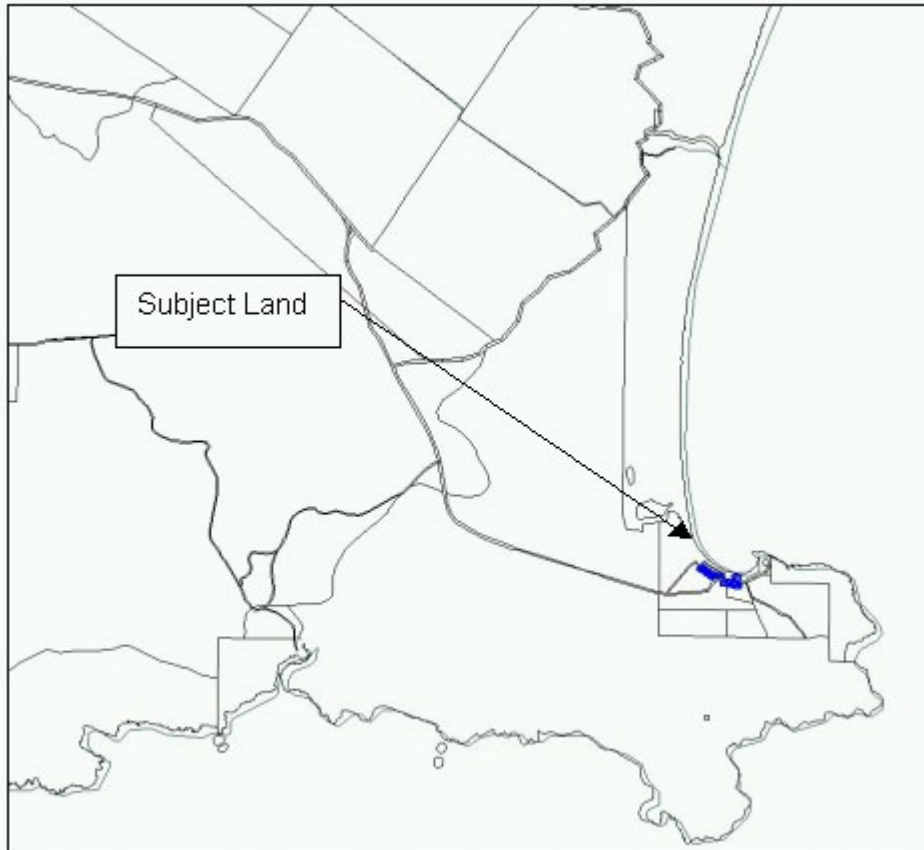
Councillor Williams returned to the meeting at 7.49pm.

DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Off Road Vehicles - Cheynes Beach

File/Ward	:	SER127 (Hassell Ward)
Proposal/Issue	:	Off Road Vehicles at Cheynes Beach
Subject Land/Locality	:	Cheynes Beach
Proponent	:	City of Albany
Owners	:	N/A
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride) Senior Ranger (G Turner)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	Move area subject to vehicle usage, introduce new guidelines and controls and employ 2 casual rangers for enforcement purposes
Bulletin Attachment	:	Submissions on Item
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

BACKGROUND

1. Under the Off Road Vehicles (ORV) Act 1978, off road vehicles are not permitted at Cheynes Beach. Within the State there are only a few areas (such as Lancelin) where off road vehicles can be taken along the coast. Vehicles that are road registered are permitted onto Cheynes Beach under the ORV Act.
2. “Off Road Vehicles” are motorised vehicles that are not, or incapable of being, road registered. Predominantly these vehicles are motorbikes that are transported on trailers as they cannot be driven on public roads.
3. In 1999, and again in 2001, when Council considered applying to the Off Road Vehicles Advisory Committee to gazette Cheynes Beach as an ORV area, letters were received from the community against the proposal. The Off Road Vehicles Advisory Committee could not support the establishment of a gazetted ORV area at Cheynes Beach as the beach was within a larger reserve and there were no specific surveyed boundaries proposed to determine the point where an ORV complied or failed to comply with the Act.
4. Council has not enforced the ORV Act at Cheynes Beach in the past due to its location, time constraints and the fact that it has been a popular spot for ORV activity for more than 20 years. Recently, the number of complaints from local residents has risen, due to the irresponsible behaviour of some riders and pressure on the beach increasing.
5. Over the past six months, staff have undertaken an advertising campaign (inclusive of media interviews), placed flyers at the Caravan Park and Bakers Junction Roadhouse and talked to ORV users on-site. Whilst Council’s Rangers have observed an improvement in behaviour since the campaign was launched, complaints have still been received.
6. Numerous letters have been received requesting Council enforce the ORV Act and ensure all ORV’s are banned from the area. Equally, letters have been received in support of ORV’s given there are few areas within the Region where people can use them. Copies of the letters received are found in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

7. Under the Off Road Vehicles Act 1978 where an area is “Restricted” to Off Road Vehicle use, Council has the power to enforce the Act. The penalty for riding an ORV within a prohibited area is \$50. Similar fines also apply to the failure of the rider to register their machine, riding in a dangerous manner and for not wearing a helmet.
8. The City of Albany Local Government Property Local Law 2001 allows Council to set aside areas on which a person may drive a vehicle. It also allows Council to direct users of a beach, through the erection of signage, to follow certain instructions. When a person does not abide by such instructions a \$100 on the spot fine can be issued.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

9. If Council were to allow a section of the beach to be used for ORV's, approval would be needed by the Off Road Vehicles Advisory Committee to remove the prohibition over the area. This is because an Act of Parliament has greater legislative power than a Local Law adopted by a Local Government. Where conflict in legislation occurs, the ORV Act would prevail.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. If Council were to enforce the current ban on ORV's, or introduce an area where ORV's could be supported subject to restrictions, considerable resources would need to be expended to enforce the Act or guidelines.
12. As the peak of activity occurs on weekends and public holidays during autumn, summer and spring, the employment of two casual rangers during these periods would be needed to adequately police ORVs. In order to finance the employment of additional staff, and the purchase of a quad bike for undertaking the patrols, \$40,000 would need to be identified in the 2007/08 budget, or earlier via a quarterly review; vigorous enforcement could see that expenditure recouped in the first financial year.

STRATEGIC IMPLICATIONS

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

Community Vision

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

- *Excellent community infrastructure and services.*

Mission Statement

The City of Albany is committed to ...

- *Providing sound governance*

Priority Projects

Nil."

COMMENT/DISCUSSION

14. As per Diagram A below, all vehicles (except those associated with Commercial fishing operations) are currently prohibited on that portion of the beach opposite the residential area at Cheynes Beach. Rangers have observed that in the majority of cases this signage has worked well, and vehicle users have not entered this area.
15. The area where road licensed vehicles are permitted to enter the beach is approximately 250 metres from the nearest dwelling. Whilst this distance may be suitable for 4WD's, the noise associated with motorbikes and buggies can carry significant distance, becoming a nuisance to some local residents.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

16. Council has the option to relocate the vehicle access point onto the beach further to the north, to ensure an adequate noise buffer, or enforce the ORV Act as it currently stands. Relocation of the entry may generate other traffic problems or exacerbate coastal erosion.
17. The difficulty with enforcing the ORV Act is that there is no licence plate on an ORV to gain ownership details to issue infringements. Council's Rangers have no legal standing to demand a person give their name and address, and without this power it can become problematic gaining enough information to infringe or prosecute ORV riders. In the past, the Rangers have been subject to abuse and threats for trying to enforce the Act.
18. Staff recommend that an area be designated; under Council's Property Local Law, to allow the use of Off Road Vehicles on Cheynes Beach in an area commencing a further 300 metres north of the current signage. Such an area will need to be signposted and include rules such as:
 - All ORV's are to be registered with the Department of Planning and Infrastructure as an ORV.
 - No reckless or dangerous riding being permitted.
 - All users to wear helmets and standard protection gear.
 - No riding in dunes (between low and high watermark only).
19. Where any of the instructions are not complied with, Council has the ability to issue on-the-spot fines. Vehicles would need to be registered with DPI, and offending vehicles could be easily identified and fined accordingly; failure to register the vehicle could invoke additional fines.
20. Between the existing beach entrance and the proposed ORV area, all ORV's would then need to be transported on a road licensed vehicle (via trailer). This will ensure residents are not subject to noise as ORV's approach the beach.
21. Prior to creating this area under the Local Law, approval will need to be sought from the Off Road Vehicle Advisory Committee to remove the existing prohibition under the ORV Act.
22. In order to police the area and ensure compliance occurs, it is recommended that the employment of two casual rangers, working in rotating weekend shifts, and those officers be delegated by Council to issue infringements under the Local Law. It is recommended that the proposal is trialled for an initial 12 month period (with a "nil tolerance" approach) to allow for a review prior to making any funding commitments within a subsequent financial year.

Item 11.2.1 continued



DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

RECOMMENDATIONS

1. THAT Council resolves to:
 - a) Request the Off Road Vehicle Advisory Committee remove the prohibition at a portion of Cheynes Beach at least 300 metres north of the existing beach access.
 - b) Adopt an area under the Local Government Property Local Law 2001 where Off Road Vehicles can be permitted for a trial period of 12 months, subject to a range of conditions, and erect signage to suit.
 - c) Review ORV usage on other beaches within the City of Albany in light of the outcomes of the policing campaign at Cheynes Beach.
2. THAT Council resolves to allocate \$40,000 in the 2006/07 budget towards the employment of two casual rangers and equipment to enforce the Local Law using a 'nil tolerance' approach and that a budget income of \$30,000 be provided.

Voting Requirement Absolute Majority

.....

ADDENDUM

23. As the level of policing on Cheynes Beach increases, the "problem" caused by irresponsible off road vehicle users will transfer to other reserves within the City of Albany. The casual rangers will need to be able to respond to those changing circumstances.

AMENDED RECOMMENDATIONS

1. THAT Council resolves to:
 - a) Request the Off Road Vehicle Advisory Committee remove the prohibition at a portion of Cheynes Beach at least 300 metres north of the existing beach access.
 - b) Adopt an area under the Local Government Property Local Law 2001 where Off Road Vehicles can be permitted for a trial period of 12 months, subject to a range of conditions, and erect signage to suit.
 - c) Review Off Road Vehicle usage on beaches and reserves within the City of Albany in light of the outcomes of the policing campaign.
2. THAT Council resolves to allocate \$40,000 in the 2006/07 budget towards the employment of two casual rangers and equipment to enforce the City's Local Laws within the City of Albany using a 'nil tolerance' approach to Off Road Vehicle usage and that a budget income of \$30,000 be provided.

Voting Requirement Absolute Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY

1. THAT Council resolves to:
 - a) Confirm the decision of the Off Road Vehicle Advisory Committee that all beaches within the City of Albany are prohibited areas under the Off Road Vehicles Act and that appropriate signage be erected to that effect.
 - b) Restrict vehicle usage on beaches within the City of Albany to road registered vehicles (excluding quad bikes, motorcycles or any other vehicle capable of being registered under the Off Road Vehicles Act) with travel only between high and low water marks and that penalties for non compliance be levied to the maximum limit authorised by Council's Local Laws.
 - c) Actively enforce a ban on Off Road Vehicle usage within City of Albany reserves and on beaches within the City of Albany.
2. THAT Council resolves to allocate \$40,000 in the 2006/07 budget towards the employment of two casual rangers and equipment to enforce the City's Local Laws within the City of Albany using a 'nil tolerance' approach to Off Road Vehicle usage and that a budget income of \$30,000 be provided.

Voting Requirement Absolute Majority

.....

Reason:

- Considerable environmental damage is being done to coastal dunes by Off Road Vehicles (motorcycles, quad bikes and the like) and the current practice of allowing these vehicles to use local beaches is encouraging those vehicles to enter onto the coastal dunes. The lack of control over the mechanical standards of Off Road Vehicles also means those vehicles can generate greater noise and disrupt the quiet enjoyment of the beach by family groups, or of neighbouring landowners where they use Council reserves.
- The above resolution does not prevent road-registered vehicles (the majority of family groups and amateur fishermen) from gaining access to local beaches and fishing areas. The road-registered vehicles are easily recognised, should they fail to remain on the beach or on roads or firebreaks within Council managed reserves, and they must meet acceptable mechanical standards to remain road registered.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

1. **THAT Council resolves to:**
 - a) **Confirm the decision of the Off Road Vehicle Advisory Committee that all beaches within the City of Albany are prohibited areas under the Off Road Vehicles Act and that appropriate signage be erected to that effect.**
 - b) **Restrict vehicle usage on beaches within the City of Albany to road registered vehicles (excluding quad bikes, motorcycles or any other vehicle capable of being registered under the Off Road Vehicles Act) with travel only between high and low water marks and that penalties for non compliance be levied to the maximum limit authorised by Council's Local Laws.**
 - c) **Actively enforce a ban on Off Road Vehicle usage within City of Albany reserves and on beaches within the City of Albany.**
2. **THAT Council resolves to allocate \$40,000 in the 2006/07 budget towards the employment of two casual rangers and equipment to enforce the City's Local Laws within the City of Albany using a 'nil tolerance' approach to Off Road Vehicle usage and that a budget income of \$30,000 be provided.**

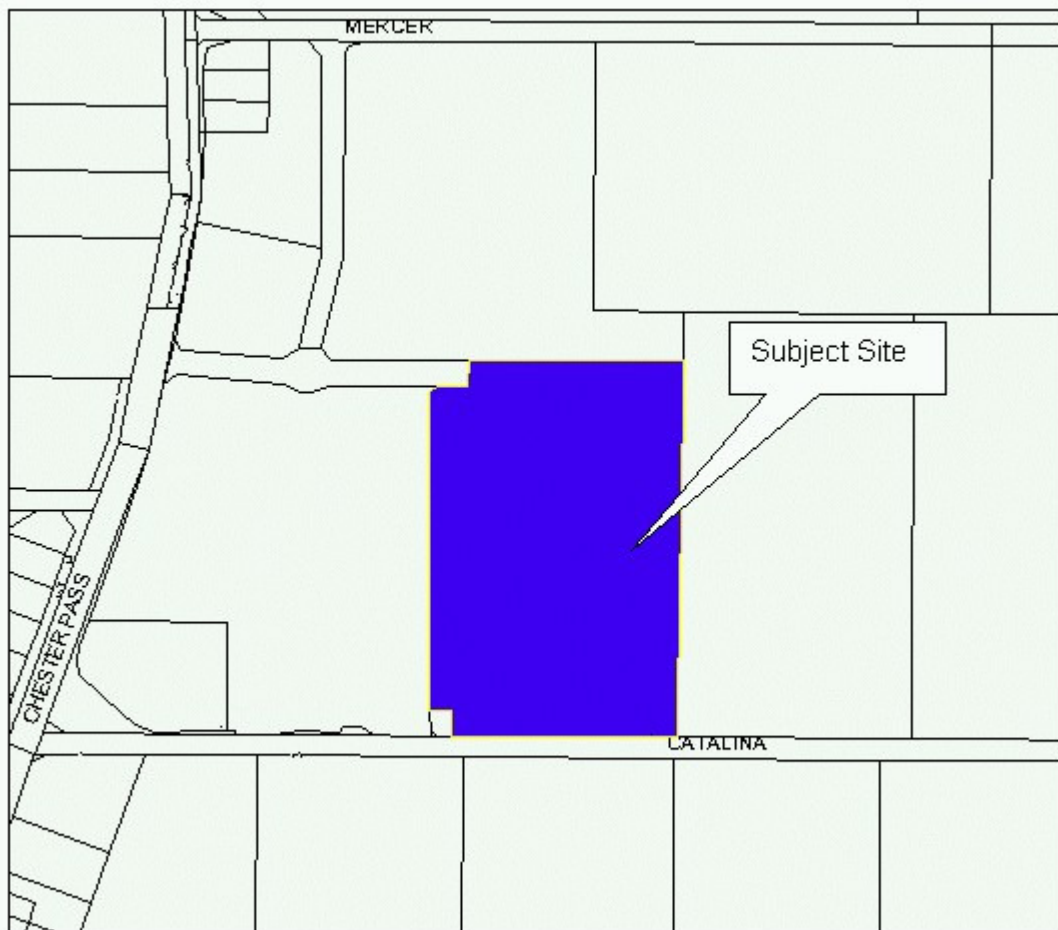
**MOTION CARRIED 12-1
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Draft Scheme Policy – Brooks Gardens Outline Development Plan

File/Ward	: A193794 (Yakamia Ward)
Proposal/Issue	: Draft Outline Development Plan
Subject Land/Locality	: Lot 1002 Catalina Road, Lange
Proponent	: Taylor Burrell Barnett
Owner	: King Open Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (J Devereux)
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/12/05 Item 11.3.7
Summary Recommendation	: Adopt Policy for Advertising Purposes
Bulletin Attachment	: Draft Outline Development Plan
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. At the Council meeting of the 21 December 2005, Council gave final approval to the rezoning of the subject site from 'Rural' to 'Residential Development'. Prior to the subdivision of the site for residential purposes, Council and the Western Australian Planning Commission (WAPC) must adopt an Outline Development Plan (ODP) which sets out the subdivision pattern over the land. Final approval for the rezoning has not been received from the WAPC; however, it is not perceived that there will not be any major issues with the proposal.
2. The ODP forms part of the overall "Brooks Garden" development, consisting of the Neighbourhood Centre, Lifestyle Village, Bulky Goods Showroom and Service Station. The subject site fronts Catalina Road and is situated behind the new shopping centre.

STATUTORY REQUIREMENTS

3. Scheme 3 states at clause 5.2 that;

"5.2.1 Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:
 - (a) the major road systems under the Scheme;*
 - (b) topographic conditions;*
 - (c) land holdings adjacent to or in the vicinity of the subject land;*
 - (d) the necessity of providing civic and public facilities; and*
 - (e) preservation of the environment."*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. As the proposed ODP area is owned entirely by one owner, all development costs will be the responsibility of the developer.

STRATEGIC IMPLICATIONS

6. The City of Albany's Draft Local Planning Strategy has identified the subject land for long term residential development.

COMMENT/DISCUSSION

7. The Scheme outlines the factors that need to be considered in developing an Outline Development Plan.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- 8. The plan that has been submitted shows the areas for residential lot subdivision, the position of public open space (POS) and drainage catchments and the layout of movement systems.
- 9. As part of the preparation of the ODP, the proponents have prepared a report. This provides reasoning and justification for the proposed use and development of the land. Please refer to the Elected Members Report/Information Bulletin for a copy of this report.
- 10. The report refers to the lot being known as Pt Lot 39; recently, due to a subdivision, the lot is now Lot 1002.
- 11. The proponents have proposed a dual density coding for the ODP area, being R20/30. The base zoning will be R20, with the opportunity for some small lot/group housing projects where appropriate.
- 12. There is some concern with the POS area and stormwater disposal. Upon the creation of the subdivision, a detailed design and calculation of the stormwater system will need to be supplied and approved by Council.
- 13. All services such as water, electricity and telephone will be provided below ground to the lots at the time of subdivision.

RECOMMENDATION

THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt for the purposes of advertising the draft policy entitled “Brooks Gardens Outline Development Plan”.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR JAMIESON**

THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt for the purposes of advertising the draft policy entitled “Brooks Gardens Outline Development Plan”.

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request - Lots 300, 507 and 526 Lancaster Road, McKail

File/Ward	:	SAR100 (West Ward)
Proposal/Issue	:	Request to rezone Lots 300, 507 and 526 Lancaster Road from the 'Rural' and 'Special Rural' zones to the 'Residential Development' zone
Subject Land/Locality	:	Lots 300, 507 and 526 Lancaster Road, McKail
Proponent	:	Ayton Taylor Burrell
Owners	:	Vegate Pty Ltd & Capararo
Reporting Officer(s)	:	Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/10/04 – Item 11.3.3
Summary Recommendation	:	Support the proposal to develop land for fully serviced (sewered) residential purposes
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. The application received is a 'Scheme Amendment Request' (SAR) to rezone Lots 300, 507 and 526 Lancaster Road from the 'Rural' and 'Special Rural' zones to the 'Residential Development' zone. A copy of the request is included in the Elected Members Report/Information Bulletin.
2. The lots are majority cleared (pasture) with a level gradient and comprising an area of approximately 62 hectares. Lots 526 and 507 are zoned 'Special Rural', however, they have not been developed and therefore remain as large vacant parcels of land.
3. The SAR was referred to the Department for Planning and Infrastructure (DPI), the Department of Environment, the Department of Health and the Water Corporation for preliminary comment.
4. Those agencies have provided initial support to the application to rezone to fully serviced (sewered) residential lots in accordance with an adopted structure plan. A recommendation was made that Lots 1 to 13 Lancaster Road be included in the amendment application. To facilitate future subdivision of those lots, a structure plan should provide for rear access to Lots 1 to 13, avoiding the need to provide multiple access onto Lancaster Road. The majority of the subject land is located outside of the Water Corporation 'Waste Water Treatment Buffer Area' and water and sewer infrastructure will need to be upgraded to cater for development.
5. At the Council meeting dated 19 October 2004 it was resolved to adopt the 'Modified Final Town Planning Scheme Policy Albany Speedway Noise Buffer'. The land under this application falls within the area affected by this policy.

STATUTORY REQUIREMENTS

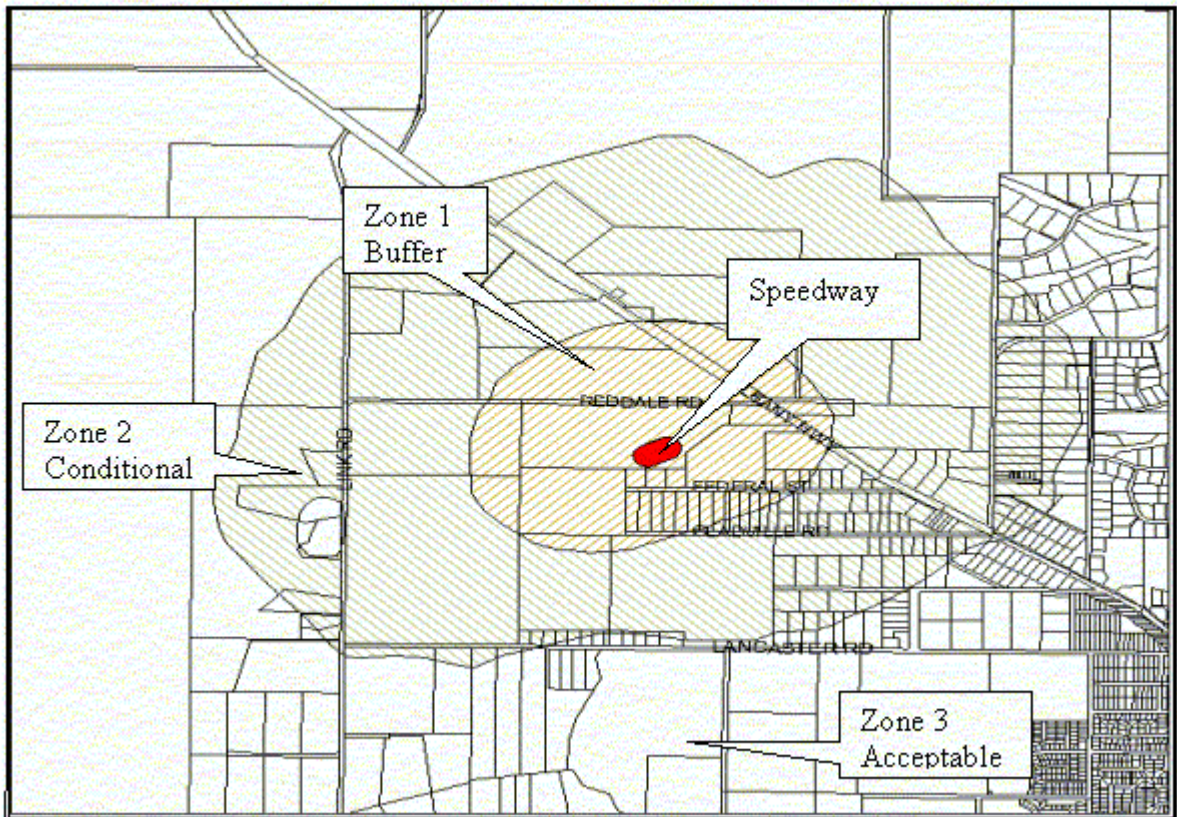
6. Lot 300 is zoned 'Rural' as defined in Town Planning Scheme 3 (TPS3). The objective of the rural zoning in TPS3 identified under clause 3.1.13 is:
"To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas."
7. The area is not identified or used for 'high quality agriculture', therefore, a rezoning to "residential" is not expected to conflict with farming interests.
8. Lots 526 and 507 are zoned 'Special Rural area 1D'. Land which is included in a "Special Rural Zone" shall be subject to those provisions as may be specifically set out against it in Schedule 1 of the scheme.
9. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
10. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

POLICY IMPLICATIONS

11. The WAPC Statements of Planning Policy No's 1 and 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption. If "residential" development was considered acceptable, the most sustainable form would be at fully serviced Residential (R20) rather than unsewered Special Residential land (R1 or R2).
12. The 'Speedway Definition Study' conducted by Herring Storer Acoustics determines the extent of noise impacts from the speedway, located at Atwell Park. The study concluded that noise received at locations around the speedway be categorised into 3 zones, buffer, conditional and acceptable (refer to following diagram).



13. Based on the buffer areas and recommendations defined by the study, the following conclusions can be made:
 - At the northern portion of the subject land ('Buffer zone') - no residential development should be permitted.
 - At the southern portion of the subject land ('Acceptable zone') - no restrictions are to apply.
 - Within the majority of the subject land ('Conditional Zone'), residential development would be conditional on achieving acceptable internal noise levels. Conditions to development would include:
 - External boundary fences of development on the side facing the Speedway;

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

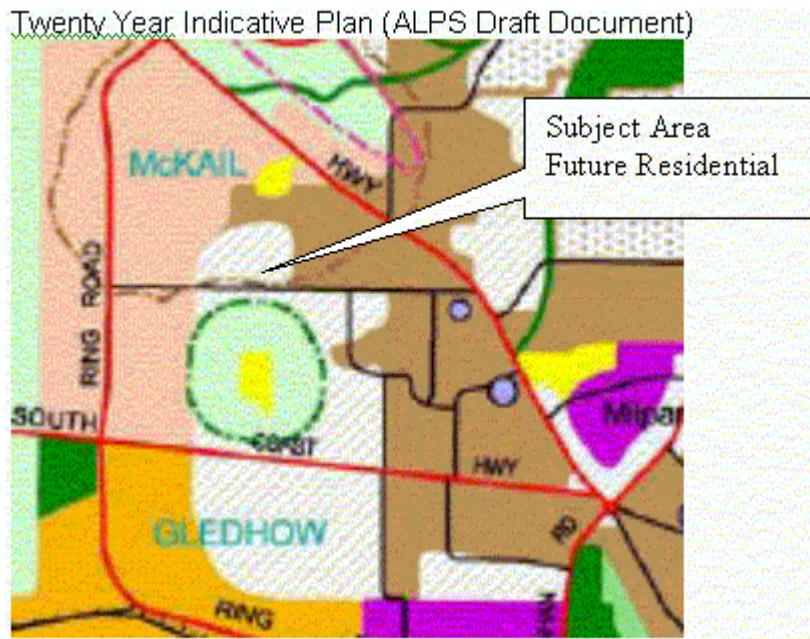
- Special building construction and use of quiet house design to achieve acceptable internal noise levels; and
- Memorials on titles.

FINANCIAL IMPLICATIONS

14. Residential development will place pressure on the need to improve the road infrastructure within the vicinity. As part of structure planning for the area, a transport study will need to be undertaken to determine the level of improvements required and the potential cost sharing arrangements.

STRATEGIC IMPLICATIONS

15. The subject site is identified within the (Draft) Albany Local Planning Strategy document as being suitable for fully serviced 'Future Residential' development. The document requires planning and development of the area in an efficient and coordinated manner, as a logical extension of existing settlements and with retail, service and community infrastructure. As part of a structure plan process, studies will need to be conducted to identify the need, distribution and provision of retail, service and community infrastructure to service the new community.



16. The draft Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses. The State Planning Strategy recommends the consolidation of existing housing stock and the provision for a variety of housing available to residents in the City.

COMMENT/DISCUSSION

- Proposal
17. The application for 'Residential Development' complies with the strategic intent ('Future Residential') for the area and on face value does not present any environmental concerns.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

18. The subject area leapfrogs the developed urban front and is therefore not within walking distance to community and retail infrastructure. It may be beneficial to include the lots fronting Lancaster Road, between the subject area and Albany Highway, as part of this application and for future structure planning. Neighbourhood shopping, regional open spaces, schools, community facilities and arterial routes can all then be considered at a more convenient scale.

Conclusion

19. Due to the compatibility of the application with the strategic intent for the area, staff support the application to rezone the site to the 'residential development' zone and to have the land subdivided into fully serviced urban lots.

RECOMMENDATION

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

- i) a clearly defined zoning boundary to be adopted and justified (potentially including lots 1 to 13 Lancaster Road);
- ii) a land capability assessment;
- iii) a conceptual structure plan;
- iv) an identification of servicing needs and infrastructure requirements to accommodate future subdivision; and
- v) the planning of the subject land taking into consideration the Albany Speedway Buffer requirements,

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lots 300, 507 and 526 Lancaster Road from the 'Rural' and 'Special Rural' zones to a fully serviced (sewered) 'Residential Development' zone.

Voting Requirement Simple Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

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

- i) a clearly defined zoning boundary to be adopted and justified (potentially including lots 1 to 13 Lancaster Road);**
- ii) a land capability assessment;**
- iii) a conceptual structure plan;**
- iv) an identification of servicing needs and infrastructure requirements to accommodate future subdivision; and**
- v) the planning of the subject land taking into consideration the Albany Speedway Buffer requirements,**

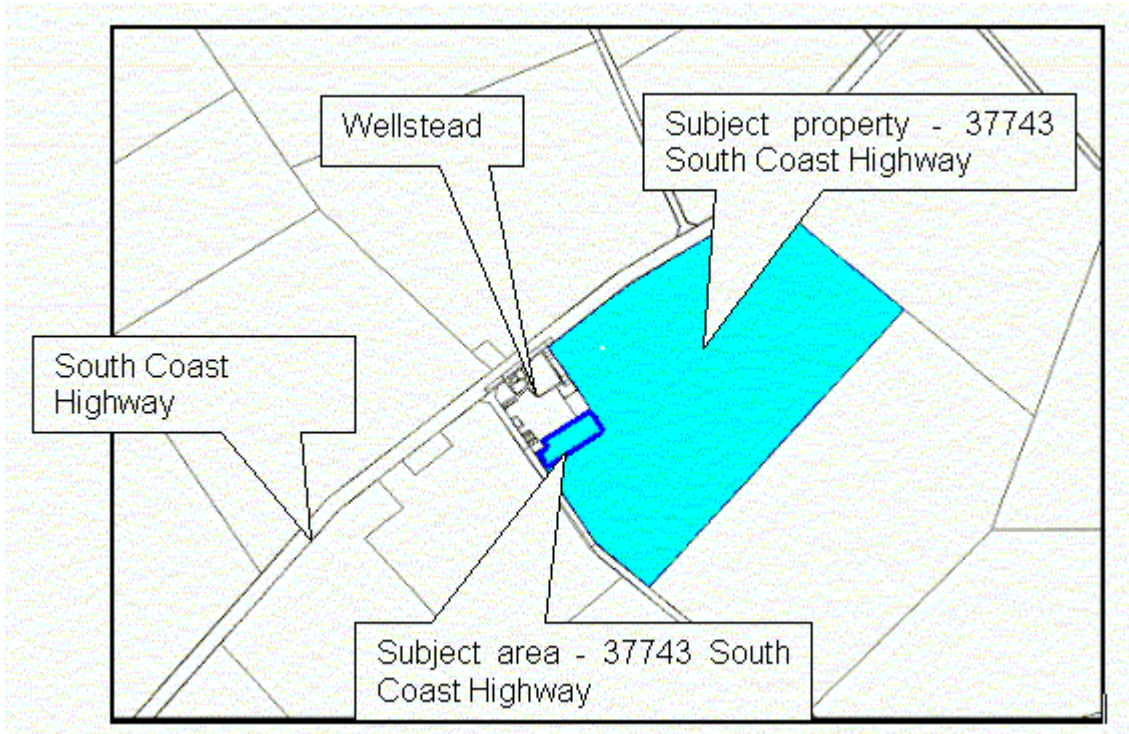
Council advises that it is prepared to entertain the submission of a formal application for rezoning Lots 300, 507 and 526 Lancaster Road from the 'Rural' and 'Special Rural' zones to a fully serviced (sewered) 'Residential Development' zone.

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Amendment Request – Lot 6849 (No 37743) South Coast Highway, Wellstead

File/Ward	: SAR 101 (Hassell Ward)
Proposal/Issue	: Request to rezone portion of Lot 6849 (No 37743) South Coast Highway from 'Rural' to 'Special Rural'
Subject Land/Locality	: Lot 6849 South Coast Highway, Wellstead
Proponent	: Ayton Taylor Burrell
Owner	: S & J Hall
Reporting Officer(s)	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: OCM 18/9/01 - Item 11.3.1
Summary Recommendation	: Support the proposal to rezone from 'Rural' to a dual zoning of 'Rural' and 'Special Rural'
Bulletin Attachment	: Scheme Amendment Request
Locality Plan	:

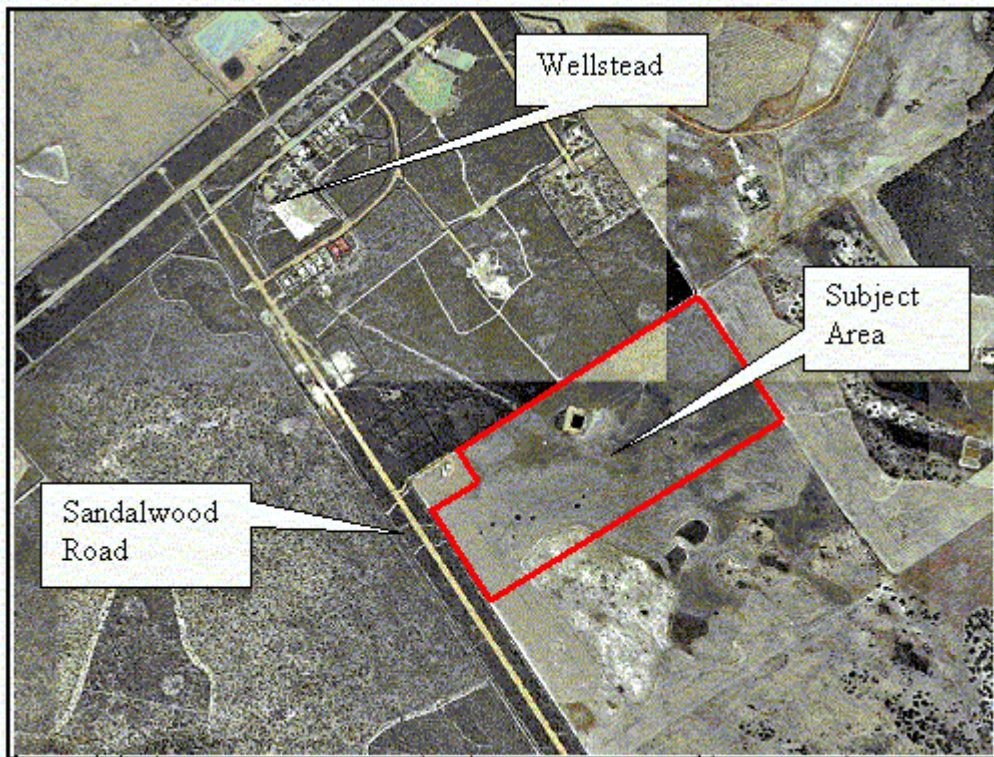


DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. The application received is a 'Scheme Amendment Request' (SAR) to rezone portion of Lot 6849 (No 37743) South Coast Highway Wellstead from the 'Rural' zone to the 'Special Rural' zone. A copy of the request is included in the Elected Members Report/Information Bulletin.
2. The portion of the property the subject of the application is 34.5 hectares in area (17 two hectare Lots), cleared (pasture) with a level gradient and accessed via Sandalwood Road (gravel).



3. The SAR was referred to the Department for Planning and Infrastructure (DPI), the Department of Water, the Department of Health and the Water Corporation.
4. The subject area is outside the Water Corporation's Water Operating Licence area; the Corporation will not entertain the idea at this stage, to amend the Licence area. The DPI generally supports the application as it is consistent with the future direction of the Albany Local Planning Strategy and the Wellstead Townsite Strategy.
5. There is a Native Title claim over the area. However the land is in private ownership and the native title rights have been extinguished.

STATUTORY REQUIREMENTS

6. 37743 South Coast Highway Wellstead is zoned 'Rural' as defined in Town Planning Scheme 3 (TPS3). The objective of the rural zoning in TPS3 identified under clause 3.1.13 is:

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

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

7. The land forms part of a viable farming unit and it is being utilised for agricultural purposes. The balance of Lot 6849 will continue to be used for cereal cropping and grazing following the potential subdivision of the affected land area.
8. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
9. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

10. Council’s Local Rural Strategy (1996), which is a policy of Town Planning Scheme No. 3 supports the development of rural town-sites via the following two policies:

“GP49 Expansion of Remote Townsites - Due to their remoteness from urban facilities, where necessary Council will provide for the expansion of Manypeaks and Wellstead town sites. AND

GP50 Improvement of Amenity and Townscape in Rural Townsites - In order to provide for the improvement of rural town-sites in terms of their social and visual amenity, sense of community and attractiveness to the travelling public, Council will support the planned establishment of townscape improvements, community facilities, general stores, arts/crafts outlets, etc.”

11. The West Australian Planning Commission policies – SPP2.5 and DC 3.4 make the following requirements for Rural-Residential development;
 - the lot size should range from 1 ha to 4 ha depending on local conditions;
 - mandatory provision of a reticulated potable water supply to an appropriate standard as determined by the licence holder;
 - the requirement for a subdivisional guide plan;
 - restrictions on the type and scale of any agricultural land uses or rural pursuits;
 - the identification of clearing, land management controls and environmental repair requirements including the retention of areas of remnant vegetation or regeneration of degraded areas;
 - the identification of either a building envelope, or building exclusion area, on each lot to which all development is restricted;
 - the restriction of development to only one dwelling per lot;
 - the control over the location of development (including the siting of dwellings, ancillary buildings, service roads and firebreaks) so that it does not significantly detract from any scenic landscape and/or conservation attributes;
 - compliance with State and local government environmental and health standards in respect of dwellings and ancillary buildings and the associated services (i.e. drainage and wastewater disposal);

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- requirement for all structures in high bushfire risk areas to be constructed to Australian Standard AS3959;
 - road design to allow for safe egress in event of an emergency;
 - the preparation and implementation of bushfire management plans; and
 - any other matter that arises from the preparation of the local government's settlement strategy.
12. Statement of Planning Policy No. 2.5: Agricultural and Rural Land Use Planning Policy suggests that subdivisions below 4 ha be provided reticulated water. This is to ensure provision of services consistent with normal residential housing and to promote a more compact settlement form. Wellstead is reticulated from natural catchments and onsite catchment (roof) and storage (tanks) facilities. The Albany Local Planning Strategy recommends that this policy be relaxed in the City for lots above 1 hectare based on their ability to demonstrate that a sustainable potable supply can be provided for human consumption from rainwater tanks and other sources.

FINANCIAL IMPLICATIONS

13. Sandalwood Road is constructed with an exposed gravel surface. The rezoning, subdivision and then development of the area may give rise to pressure on the City for the upgrading of the section of Sandalwood Road connecting the subject area to South Coast Highway.

STRATEGIC IMPLICATIONS

14. The most relevant strategic documents include the Albany Local Planning Strategy (ALPS Draft 2005) and the Wellstead Town site Strategy adopted by the Council on the 18 September 2001.
15. The objective of the ALPS document is to *“facilitate and promote the retention and sustainable expansion of existing rural settlements”*.
16. The Wellstead Town site Strategy provides a clear strategic direction to Council and the community and ensures the enhancement of the town site and its survival as a rural settlement within the City of Albany. The main objectives of the Wellstead Strategy include to:
- provide land for residential and service industrial development in the most timely and economic manner;
 - provide opportunities for tourist accommodation and facilities and other economic development; and
 - draw all the existing town site issues and proposals together to provide a framework for longer term economic, social and residential development of the town site.

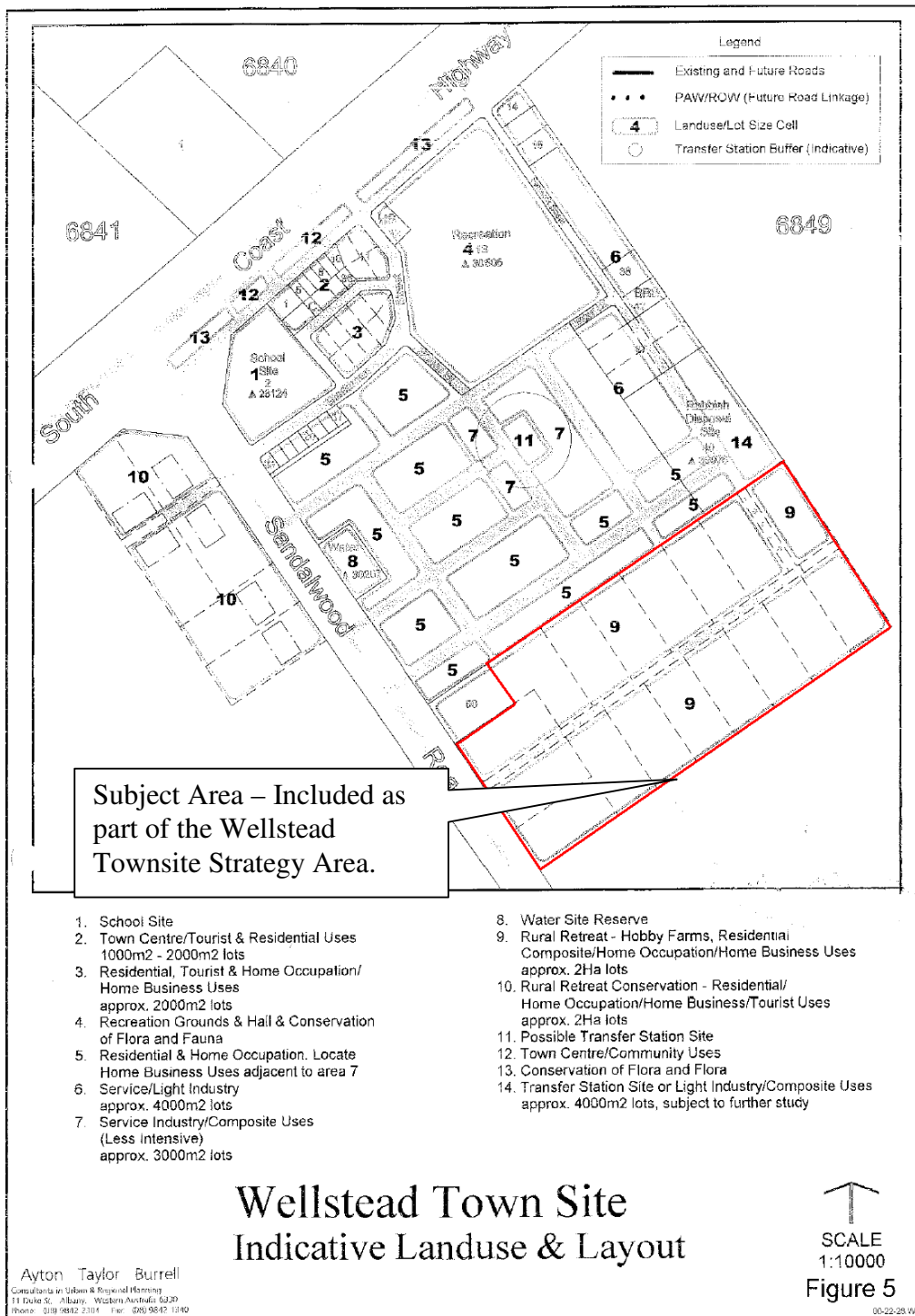
DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

COMMENT/DISCUSSION

Proposal

17. The proposal for 17 lots, two hectares in size, located at the southern outskirts of the town ship is based on the indicative plan contained in the adopted (City of Albany) 'Wellstead Townsite Strategy' (refer to below). The subject area is cleared for cropping purpose, however there is a large area of vegetation on the adjacent crown land and fire management constraints are placed on the area the subject of this application.



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Services

18. The lots are accessed via Sandalwood Road and an internal road to be developed at the subdivisional stage. There is the opportunity to extend electrical and telecommunications services to the lots. The provision of water, and effluent and drainage disposal are to be managed on site.

Reflecting current demand

19. The Southdown Magnetite Project is located 2km northwest of Wellstead. It comprises three mining leases covering an area of 1700 hectares on freehold farming property. Significant resources have the capacity to promote large-scale mining, concentrating and pelletisation operations. If mining was to go ahead, employment opportunities and the demand for land will evolve.

Conclusion

20. Other than reticulated water, there is the capacity for connection to utility services and the opportunity for development to support the existing townsite and the existing and proposed economies in the region. Staff therefore support the request for rezoning (in principle) to rezone the land and to entertain the submission of a formal application subject to the amending documentation addressing the criteria stipulated in the 'recommendation' section of this report.

RECOMMENDATION

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

- i) a land capability assessment;
- ii) the preparation and implementation of bushfire management plans;
- iii) a subdivision guide plan;
- iv) a schedule of provisions consistent with recommendations defined in the WAPC State Planning Policy 2.5 and Policy DC 3.4 (refer to section 10 of this report);
- v) a demonstration that a variation (provision of reticulated water) from current state policy (No.2.5 Agricultural and Rural Land Use Planning) is justified; and
- vi) an identification of servicing needs and infrastructure requirements to accommodate future subdivision,

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 6849 (No 37743) South Coast Highway Wellstead from the 'Rural' zone to a dual zoning of 'Special Rural' and 'Rural'.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WEST**

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

- i) a land capability assessment;**
- ii) the preparation and implementation of bushfire management plans;**
- iii) a subdivision guide plan;**
- iv) a schedule of provisions consistent with recommendations defined in the WAPC State Planning Policy 2.5 and Policy DC 3.4 (refer to section 10 of this report);**
- v) a demonstration that a variation (provision of reticulated water) from current state policy (No.2.5 Agricultural and Rural Land Use Planning) is justified; and**
- vi) an identification of servicing needs and infrastructure requirements to accommodate future subdivision,**

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 6849 (No 37743) South Coast Highway Wellstead from the 'Rural' zone to a dual zoning of 'Special Rural' and 'Rural'.

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiate Scheme Amendment – Lot 15 Frederick Street, Albany

File/Ward	: AMD158 (Fredrickstown Ward)
Proposal/Issue	: Zoning Lot 15 Frederick Street from 'Clubs and Institutions' to 'Residential' with a density coding of R30.
Subject Land/Locality	: Lot 15 Frederick Street, Albany
Proponent	: Harley Survey Group
Owner	: G Hill
Reporting Officer(s)	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: OCM 02/05/00 - Item 12.1.6
Summary Recommendation	: Initiate the amendment
Bulletin Attachment	: Amendment Documentation
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. At its meeting dated May 2000, Council resolved to support a scheme amendment request to rezone Lot 15 Frederick Street, Albany from 'Clubs and Institutions' to 'Residential – R30' and advised the Stirling Club Inc. that, should the Club dispose of Lot 15 Frederick Street, Albany Council may either provide a maximum occupancy level for the site (based upon the number of car parking bays available on site) or limit the floor space within the building for public purposes. The reason stated was that;

“The sale of Lot 15 Frederick Street will reduce the amount of car parking available for the Stirling Club. Irrespective of whether the site is rezoned, the loss of this car parking may impact upon the operations of the Stirling Club”.

2. Amendment documentation has now been submitted by the proponent seeking the support for the initiation of the amendment to rezone Lot 17 Frederick Street from 'Clubs and Institutions' to 'Residential' with a density coding of R30.
3. The subject lot has a total area of 1012m² and is currently used for access and car-parking for the Stirling Club. There are no structures located on the lot.
4. The current 'Clubs and Institutions' zoned lots are surrounded on three sides, north, east and west by 'Residential' zoned lots. South of the subject land, on the opposite side of Stirling Terrace the land is reserved 'Parks and Recreation', and is designated as a "Place of Heritage Value".

STATUTORY REQUIREMENTS

5. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
6. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
7. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
8. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

COMMENT/DISCUSSION

Proposal

12. Rezoning the lot from 'Clubs & Institutions' to 'Residential – R30' would enable residential development on the lot. Currently this is a use that is not permitted with the present zoning. All lots adjoining the 'Clubs & Institutions' zoned lots are zoned 'Residential – R30' and therefore rezoning the lot to 'Residential – R30' would be in keeping with the surrounding zoning.
13. Lot 15 Frederick Street is used by the adjacent properties (14-16 Stirling Terrace) for access and car parking. Given the current building floor area of the Stirling Club (upper floor level 945m², lower floor level 361m², total 1,306m²) and the requirements for car parking (1 bay per 40m² of GFA - Town Planning Scheme 1A), the club is required to provide 33 car-parking bays. A site visit concluded that there is enough area available for access and car-parking (in accordance with the requirements of the scheme) without the use of Lot 15 Frederick Street.
14. Due to the steep gradient off Frederick Street, access is shared over the three properties (14-16 Stirling Terrace and Lot 15 Frederick Street). Suitable arrangements will need to be made for reciprocal rights of access or for the development of new crossovers onto Frederick Street.

Conclusion

15. The proposal to rezone Lot 15 Frederick Street is consistent with the adopted and proposed planning strategies and principles. The rezoning will allow for the development of high quality residential housing on an under-utilized allotment close to the Albany Town Centre. The matters raised in paragraphs 13 and 14 will be communicated to the Stirling Club for resolution outside of the amendment process.

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) rezoning Lot 15 Frederick Street, Albany from 'Clubs and Institutions' to 'Residential – R30'; and
- ii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR PAVER**

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

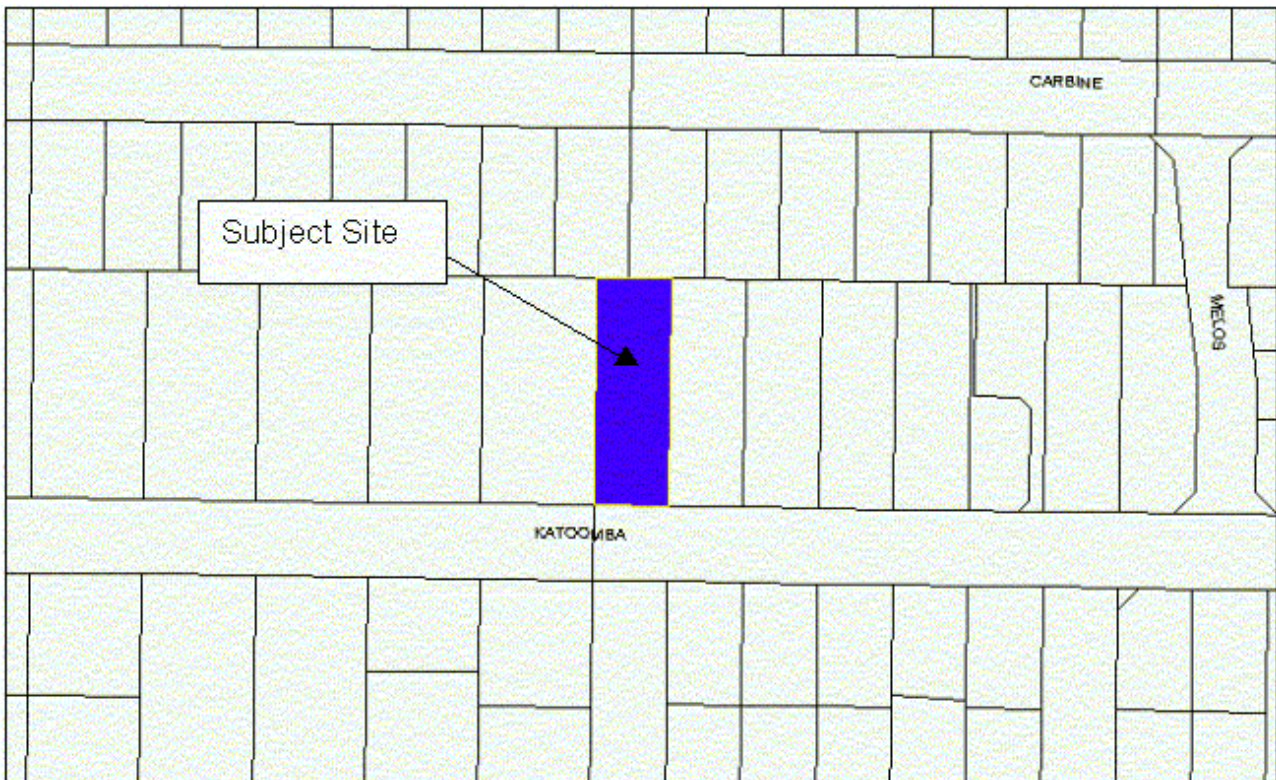
- i) rezoning Lot 15 Frederick Street, Albany from 'Clubs and Institutions' to 'Residential – R30'; and**
- ii) amending the Scheme Maps accordingly.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.3.5 Initiate Scheme Amendment – Lot 71 Katoomba Street, Orana

- File/Ward** : AMD 159 (Vancouver Ward)
- Proposal/Issue** : Rezoning Lot 71 Katoomba Street, Orana from 'Parks and Recreation' (reserve) to 'Residential'
- Subject Land/Locality** : Lot 71 Katoomba Street, Orana
- Proponent** : City of Albany
- Owner** : City of Albany
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Initiate the amendment
- Bulletin Attachment** : Amendment documentation
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. The City of Albany has prepared amendment documentation to rezone Lot 71 Katoomba Street from the 'Parks and Recreation' Reservation to 'Residential'.
2. The property is 1214m² in area, cleared of vegetation and surrounded by residential zoned land and residential land uses. The property is also a freehold title held by the City.

STATUTORY REQUIREMENTS

3. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
4. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
5. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
6. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. To develop basic recreational infrastructure (swing set) on a local park costs approximately \$13,000. To grass the land an additional \$26,000, plus an annual maintenance cost of approximately \$6,500.

STRATEGIC IMPLICATIONS

9. Albany Local Planning Strategy (Draft, 2005 - ALPS)
The ALPS document adopted by the City to guide development in the future recommends the development of this land for residential purposes.

Liveable Neighbourhoods

The Liveable Neighbourhoods document places emphasis on infill development, walkable neighbourhoods and efficient use of infrastructure.

The land is not being used for a useful purpose and is in close proximity to utilities (water, telecommunications, sewerage), road infrastructure, neighbourhood shopping facilities (Catalina and North Road), public transport, passive and recreational open space and child care (Katoomba Street), services and schools.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

COMMENT/DISCUSSION

Public Parkland

10. Best practice encourages public parkland to be overlooked by development, rather than backed onto by development. Park lands should be strategically planned to provide for the needs of all users and age groups in a safe and convenient location.
11. Lot 71 Katoomba Street is situated with poor surveillance (unsafe) from adjoining development and because of its small size, provides little opportunity to develop either active or passive recreation infrastructure for users (young and the aged) of open space.
12. The 'McKail District Park' (Reserve 46317), Lake Weelara at Hanrahan Road (Reserve 25382) and the large reserve adjacent to Le Grande (Reserve 36517) all provide opportunities for public recreation within close location to the area in question.
13. Council has commenced a process of rationalisation of local parks and this land parcel has not been identified for development as a local park.

Land Capability

14. The area provides compatible foundation and excavation conditions for residential buildings. The characteristics of the land are compatible with adjoining lots upon which single dwellings have been constructed.

Land Suitability

15. The proposed zoning is in keeping with the surrounding zonings and land use (residential). The property fronts a sealed road (Katoomba St), which provides linkage to both Albany and South Coast Highways.

Concluding Justification

16. In conclusion it is recommended that this Amendment be supported, as:
 - the proposal complies with strategic planning and principles for sustainability;
 - the proposal improves land and resource efficiency;
 - the site is currently not used for any useful purpose and is never likely to be developed as a local park;
 - there are no outstanding environmental concerns;
 - the site is in close proximity to amenities;
 - the proposal is in keeping with the zoning and surrounding land use; and
 - the residential zoning will provide a better opportunity for the development of the property.

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) zoning Lot 71 Katoomba Street to 'Residential'; and
- ii) amending the scheme maps accordingly.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WELLINGTON**

THAT Council, pursuant to Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) zoning Lot 71 Katoomba Street to 'Residential'; and**
- ii) amending the scheme maps accordingly.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.3.6 Initiate Scheme Amendment – Lot 3 Golf Links Road, Middleton Beach

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



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. Council resolved at the 20 September 2005 meeting to support a request to rezone Lot 3 Golf Links Road, Middleton Beach from 'Service Station' to 'Tourist Residential' (R30), subject to the amendment addressing the following matters:
 - i) *decontamination and remediation of the previous service station site in accordance with DOE Contaminated Sites Management Series Guidelines.*
2. The underground fuel tanks on the site have been removed and site investigations have revealed evidence of contamination. The applicant has advised that 'OTEC' (site contamination specialists), have been employed to sort out the onsite contamination issues. Information on the outcome of the investigations will be provided once the amendment has been initiated.

STATUTORY REQUIREMENTS

3. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
4. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
5. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
6. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. The rationalization of the service station industry has detrimentally impacted upon the viability of the use of the property as a service station. The removal of this service station is not expected to impact on the community as there are other service stations within close location (Emu Point and Middleton Beach Road).
11. Surrounding the subject land are residential uses, predominantly single dwellings and small unit developments, consistent with the R30 density. A rezoning of this site to "Tourist Residential" is in keeping with the surrounding zoning and land uses and provides a better opportunity for the use of the land.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

12. Lot 3 Golf links Road has an area of 995m² and at a density of R30 allows for the potential of three permanent or five holiday accommodation units.
13. The request is supported by staff, as the rezoning is consistent with the surrounding land uses in the Middleton Beach area and it has the potential to increase the availability of tourist accommodation premises within this important City tourist node. Resolution of the site contamination will be required by the EPA prior to the Authority agreeing to the advertising of the amendment.

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) rezoning Lot 3 Golf Links Road, Middleton Beach from 'Service Station' to 'Tourist Residential' with a density code of R30; and
- ii) amending the scheme maps accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

THAT Council, pursuant to Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) rezoning Lot 3 Golf Links Road, Middleton Beach from 'Service Station' to 'Tourist Residential' with a density code of R30; and**
- ii) amending the scheme maps accordingly.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.3.7 Final Approval for Scheme Amendment – Future Urban Zone Provisions

File/Ward	: AMD 157 (Breaksea, Vancouver & Yakamia Wards)
Proposal/Issue	: Provide Consistency Between Schemes 1A and 3 with Frontal Development.
Subject Land/Locality	: Various
Proponent	: City of Albany
Owner	: Various
Reporting Officer(s)	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Grant Final Approval
Bulletin Attachment	: Submission on amendment
Locality Plan	: N/A

BACKGROUND

1. At the Council meeting dated 18 July 2006, Council resolved to:
 - a) *alter the text of Clause 4.35 of Town Planning Scheme 1A to delete the requirement for rezoning; and*
 - b) *alter the zoning table of Town Planning Scheme 1A to allow for discretionary (“AA”) decision making in relation to a group dwelling or a multiple dwelling in the Future Urban zone.*
2. The Environmental Protection Authority found it unnecessary to provide advice or make any recommendations on the amendment and at the close of advertising, one submission was received and tabled in the schedule of submissions located at the end of this report.

STATUTORY REQUIREMENTS

3. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
4. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

FINANCIAL IMPLICATIONS

6. A development area severed by the scheme boundary can add considerable financial costs and delays to one developer and not the other. A market disparity has been created through the current City of Albany Town Planning Scheme 1A and 3 provisions.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. Proposal
This Scheme Amendment proposes to amend Town Planning Scheme 1A by altering the text of Clause 4.35 and altering the zoning table as it relates to a “Group Dwelling” or a “Multiple Dwelling” in the “Future Urban” zone.
9. The first proposal is to omit the words ‘initiate zoning changes to’ within the clause. Depending on whether the land is located within the former Shire of Albany or Town of Albany, there are different provisions relating to urban deferred zoned land. Within Town Planning Scheme No. 3, once a structure plan has been prepared over an area identified as ‘Residential Development’ subdivision can commence. This has occurred in areas such as McKail and Bayonet Head. Within Town Planning Scheme No. 1A, on land that is zoned “Future Urban”, the development of land is contingent upon the preparation of a structure plan, then the rezoning of the land. This means that, despite having prepared a structure plan addressing all on-site constraints and guiding a future subdivision layout for a locality, a proponent must wait up to 18 months to subdivide the land for “Residential” purposes. Given the current shortage of residential land within the city, this textual change will reduce the time period to release residential land onto the market.
10. The second proposal is to change the use class classifications for “Group Dwellings” and “Multiple Dwellings” under the “Future Urban” Zone from ‘X’ (a use that is not permitted) to ‘AA’ (a use that is not permitted unless planning consent to it is granted by the Council). This will enable more intensive development to proceed within the Future Urban zone subject to compliance with a Structure Plan.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Submission

- 11. One submission was received requesting the following:
 - make a clause change within the scheme empowering the city to approve land uses and density codings shown on an endorsed local structure plan without the necessity of a rezoning;
 - make other uses, in addition to group and multiple dwellings, permissible in the future urban zone; and
 - rezone Lot 1523 Golf Links Road from Residential to Future Urban and recode portion of Lot 1523 from R12.5 to R20.
- 12. The intent of this submission is to alter the “Future Urban” zone provisions to a level which closely resembles the provisions for the Foreshore Development zone. In the later case, the Structure Plan and Precinct Plan set out the development objectives as well as the acceptable land uses within the zone.
- 13. If this request is pursued, the initial intent of the amendment will be considerably altered and the WAPC is likely to require the amendment to be readvertised and question the desirability of changing the current scheme provisions.

Concluding Justification

- 14. The purpose of this amendment is to reduce the time taken to release residential land onto the market by making textual changes to Clause 4.35. The current wording in the amending documents makes the process required for subdivision and development in a Future Urban Zone clear and assists in expediting the release of new residential land once structure planning has been finalised.

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany’s Town Planning Scheme No. 1A by:

- i) altering the text of clause 4.35 and 3.3;
- ii) deleting the future urban zone from the zoning table (Appendix 1); and
- iii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

Voting Requirement Simple Majority

AMENDED OFFICER RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany’s Town Planning Scheme No. 1A by:

- i) altering the text of clause 4.35 and 3.3; and
- ii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

ADDENDUM TO OFFICER REPORT

15. City staff received a further submission from Cardno BSD Pty Ltd highlighting the relationship between the permissible land uses in the current “Residential” zone provisions and the “Future Urban” zone. The following table compares the land use acceptability and the submission received from Cardno BSD Pty Ltd, to extend the range of permissible uses, has validity. The current amendment proposes to only make a “Group Dwelling” and a “Multiple Dwelling” acceptable land uses, but it gives no recognition to the identified land uses noted in the following table.

	TPS1A (Future Urban)	TPS1A (Residential)	TPS3 (Res Dev)	TPS3 (Residential)
Aged persons Dwelling	X	AA	Use Not Listed	Use Not Listed
Aged Persons Home	X	SA	Use Not Listed	Use Not Listed
Aged Persons Village	X	SA	Use Not Listed	Use Not Listed
Car Park	X	IP	X	
Day Care Centre	X	SA	Use Not Listed	Use Not Listed
Holiday Accommodation	X	SA	Special Sites Only	Special Sites Only
Residential Building	X	SA	AA	AA
Service Store	X	SA	Use Not Listed	Use Not Listed

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany’s Town Planning Scheme No. 1A by:

- i) altering the text of clause 4.35 and 3.3; and
- ii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR PAVER**

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) altering the text of clause 4.35 and 3.3; and**
- ii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Planning & Development Act 2005

Town Planning Scheme No. 1A - Amendment No. 157

Schedule of Submissions for altering the text of clause 4.35 and altering the zoning table as it relates to a group dwelling or a multiple dwelling in the Future Urban zone

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	a) The EPA do not require a formal environmental impact assessment process.	a) Noted	a) Noted
2.	Cardno BSD Pty Ltd 2 Bagot Road SUBIACO WA 6904	a) The amendment, in its current form, will not achieve the purpose (of avoiding delays) for which it has been initiated. b) The Future Urban Zone is too restrictive in its use class permissibility. For example Aged Persons Dwelling, Car Park, Holiday Accommodation and Shop are prohibited uses. The amendment	a) The proposal of the Amendment 157 is to delete the requirement for the rezoning of land within the future urban zone and to make additional uses in this zone permissible. Currently a proponent may wait up to 18 months to rezone the land once a structure plan has been adopted over their land. The time and processes undertaken, once the amendment is gazetted, remove that requirement. b) A Structure Plan identifies the broad principles applying to the subdivision and development of land or a locality. The current amending documents were not intended to review the desirability of redefining	a) Dismiss b) Noted

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>157 needs to be changed to empower the City to approve land uses and density codings shown on an endorsed Local Structure Plan without the necessity of rezoning. Alternatively, as a minimum, all uses that are permitted in the Residential zone should become permitted in the Future Urban Zone once a LSP is endorsed for the particular land.</p> <p>c) Include in this amendment the rezoning of Lot 1523 Golf Links Road, Albany from Residential (density R20 and R12.5) to Future Urban - consistent with the adjoining Lot 1512 Golf Links Road, Albany. This would facilitate the preparation of a single Structure Plan over the entire project. Such a rezoning does not generate any concerns re environmental assessment or statutory procedure.</p>	<p>the objectives and development control principles applying to the Future Urban Zone. The request should be the subject of a separate process with appropriate analysis of the requirements.</p> <p>c) The amendment 157 deals with changes to the text of the town planning scheme 1A. The request to include in this amendment the rezoning and recoding of land is not suitable considering referral to the Environmental Protection Authority is required. A new application to amend the scheme will be necessary.</p>	<p>c) Dismiss</p>

..... CHIEF EXECUTIVE OFFICER

..... DATE

DEVELOPMENT SERVICES REPORTS

11.3.8 Final Approval for Scheme Amendment – Lot 508 Bayonet Head Road, Bayonet Head

- File/Ward** : AMD256 (Yakamia Ward)
- Proposal/Issue** : Request to modify the floor space restrictions for the Oyster Harbour II site, as depicted in Table 2 of Town Planning Scheme No. 3
- Subject Land/Locality** : Lot 508 Bayonet Head Road, Bayonet Head
- Proponent** : Cardno BSD Pty Ltd
- Owner** : Cuscuna Nominees Pty Ltd
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/1/2006 - Item 11.1.2
OCM 20/6/2006 - Item 11.3.4
- Summary Recommendation** : Grant Final Approval
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

BACKGROUND

1. Council resolved at the 20 June 2006 meeting to support the application to modify the floor space restrictions for the Oyster Harbour II site, as depicted in Table 2 of Town Planning Scheme No. 3, from a maximum floor space of 600m² NLA to 4385m² NLA.
2. The amendment was assessed by the Environmental Protection Authority (EPA) with no objections or outstanding issues. At the close of public advertising, one submission was received objecting to the proposal. Details for this have been discussed in the schedule of submissions, located at the end of this report.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. There are no strategic implications relating to this item however, the following documents have a bearing on the decision making for this application:
 - The Commercial Strategy Review (2000);
 - The Albany Local Planning Strategy (Draft); and
 - The Retail Development Strategy (Draft).
7. Until the Retail Development and Albany Local Planning strategies have been finally adopted, the Commercial Strategy Review (2000), which has been adopted by the West Australian Planning Commission, is the strategic decision-making framework for commercial development in the City of Albany.
8. The current Commercial Strategy Review (2000) stipulates a maximum floor area for the 'Oyster Harbour II Shopping Centre' (Lot 508) of 600m² and recommends that *'future retail development should be directed to future neighbourhood centres and the extent of area zoned for retailing at Oyster Harbour (Lower King Road) reviewed'*.
9. The Albany Local Planning Strategy (Draft) and the Retail Development Strategy (Draft) have taken on board the recommendations of the Commercial Strategy Review (2000) and identify the Bayonet Head area as a suitable location for a Neighbourhood Centre.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

10. The Retail Development Strategy (RDS) questions the commercial reality of a neighbourhood centre built off a local distributor road. That draft Strategy goes further to identify the 'Oyster Harbour II Shopping Centre' as being the preferred location for a Neighbourhood Centre for the Bayonet Head Locality. The draft Strategy suggests that the Centre proposed centrally within the Bayonet Head Outline Development Plan area should be downgraded to a local centre.
11. Based on a demographic review, the Retail Development Strategy also makes a recommendation of approximately 1800 – 2500m² of floor area for the neighbourhood centre. As further noted *'this floor space is reasonably flexible, and does not necessarily include the floor space of the existing centre'*.

COMMENT/DISCUSSION

12. Permitting a NLA of 4385m² at the Oyster Harbour II Shopping Centre is not likely to detrimentally affect adjacent owners and occupiers of the locality and will facilitate the already approved development, should a major tenant be secured (no tenant has been found since the plan was first mooted in the mid 1990s).
13. The amendment will ensure consistency between the Albany Local Planning Strategy, the recommendations made in the Commercial Strategy Review, the Retail Development Strategy and the already approved development application permitting a NLA of 4385m².
14. The more recent documentation suggests that Oyster Harbour site is the better location for a neighbourhood centre and, with an expected increase in the population within the Bayonet Head Area, it is not unreasonable to increase the permitted floor area to suit.
15. The single objection received on the amendment raises concerns over the off site impacts that a future development may have on neighbouring properties. Those impacts will occur or be mitigated by good design. The size of the centre would be an irrelevant consideration if refrigeration is required.

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) modifying the floor space restrictions for the Oyster Harbour II site, as depicted in Table 2 of Town Planning Scheme No. 3, from a maximum floor space of 600m² NLA to 4385m² NLA; and
- ii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) modifying the floor space restrictions for the Oyster Harbour II site, as depicted in Table 2 of Town Planning Scheme No. 3, from a maximum floor space of 600m² NLA to 4385m² NLA; and**
- ii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

Planning & Development Act 2005
Town Planning Scheme No. 3 - Amendment No. 256

Schedule of Submissions for a request to modify the floor space restrictions for the Oyster Harbour II site, as depicted in Table 2 of Town Planning Scheme No. 3.

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	a) No Objection	a) Nil	a) Noted
2.	J & G Snell 5 Yokanup Road Bayonet Head	a) Objection on the grounds that the increase in floor space will increase noise and pollution from air conditioning units and ultimately affect the amenity of the neighbourhood.	a) Air conditioners do not impact on the environment via exhaust emissions and regardless of the amount of conditioners, combined they cannot exceed 35 decibels in noise (as per the <i>Environmental Noise Regulations 1997</i>). The increase in floor area is therefore not expected to impact on the neighbourhood as a result of a potential increase in air conditioning units.	a) Dismissed

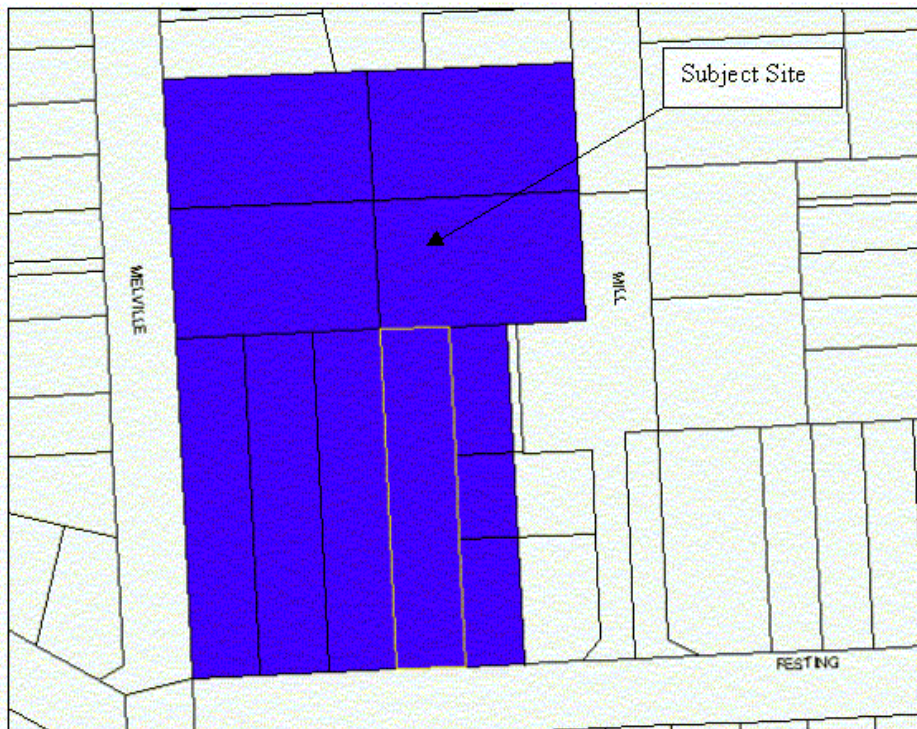
.....
CHIEF EXECUTIVE OFFICER

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DATE

DEVELOPMENT SERVICES REPORTS

11.3.9 Final Approval For Scheme Amendment - Albany Spinning Mill - Mill Street, Albany

- File/Ward** : A168739 (Vancouver Ward)
- Proposal/Issue** : Request to rezone the Albany Spinning Mill site from the 'Industrial' zone to the 'Residential' (R30) zone and to add a Special Site in Appendix No II of the Town Planning Scheme 1A
- Subject Land/Locality** : Lots 75, 76, 77, 78 and 79 Festing Street, Lots 207 & 208 Mill Street, Lots 221 and 220 Melville Street, Albany
- Proponent** : Ayton Taylor & Burrell
Grandeur Design & Construction Pty Ltd
- Owner** : Noble Investments Pty Ltd
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/08/02 - Item 11.1.4
OCM 17/09/02 - Item 11.1.1
OCM 18/02/03 - Item 11.3.5
- Summary Recommendation** : Grant Final Approval
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

BACKGROUND

1. At the Council meeting dated 18 February 2003 Council resolved:

“THAT:

- a. *subject to the amending documents being altered to show a maximum coding of R60 for the “Special Site”, Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to amend the City of Albany’s Town Planning Scheme 1A by:*
 - i. *rezoning Lots 76, 77, 78, 79, 220 and Location 74, 75, 207, 221 and 208 Mill Street, Albany from ‘Industry’ to ‘Residential R30’ and “Special Site” zones; and*
 - ii. *adding a “Special Site” in Appendix I.”*
2. The amendment document has now been changed as requested to show a maximum coding of R60 for the “Special Site”. The amendment was then referred to the Environmental Protection Authority (EPA) and advertised for public inspection. At the close of the advertising, three submissions had been received (refer to the schedule of submissions located at the end of this report).

STATUTORY REQUIREMENTS

3. As stated within clause 3.8 of the Town Planning Scheme 1A; *‘notwithstanding that a parcel of land described as a Special Site is within another zone...the use of the parcel of land is also subject to...conditions...stated...in the schedule’*. In other words, when assessing an application at the base zoning (R30), the conditions stated in the Special Site schedule are to also apply.
4. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
5. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

6. The property is listed in the City of Albany Municipal Heritage Inventory as both Management Category ‘B’ and ‘D’. The management of “the place” will be different, based upon the following principles:

Management Category B - “Requires a high level of protection: provide maximum encouragement to the owner under the City of Albany Town Planning Scheme to conserve the significance of the place. A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any development. Incentives to promote conservation should be considered.”

Management Category D - “Significant but not essential to an understanding of the history of the district. Photographically record the place prior to any major redevelopment or demolition.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

FINANCIAL IMPLICATIONS

7. The development of the site may require road treatments to improve safety and to provide pathways for pedestrians.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

Proposal

9. It is proposed by the Amendment to change the zoning of the site from 'Industrial' to 'Residential R30' with a 'Special Site' classification to incorporate the following provision in Part IV of the Scheme Text:

“Within the Area zoned ‘Special Site No. 38’ with a Residential R30 density code, development to the R60 standard may be permitted subject to the preparation of detailed design guidelines to Council’s satisfaction and compliance with the conditions outlined in Appendix II – Schedule of Special Sites”.

10. The 'Special Site' designation will enable the development of “Aged Persons Dwellings”, “Holiday Accommodation”, a “Restaurant” and a “Day Care Centre” or other incidental uses of a minor nature as considered appropriate by Council. Conditions have been included within the 'Special Site' designation to retain parts of the original Albany Spinning Mill’s building and to control access, building design (including height) and fencing throughout the site.

Submissions

11. The EPA did not require a formal “Environmental Impact Assessment” process, however, they advised that further research needs to be undertaken to identify soil, groundwater and vapour in consultation with the Department of Environment and Conservation guidelines. In order to accommodate this requirement, staff previously recommended that another condition be included in the 'Special Site' classification (Condition 1) stating the following; ‘prior to the development or subdivision of the site, a remediation and validation report for soil, groundwater and vapour needs to be undertaken (in liaison with the Department of Land and Water Quality) to the satisfaction of the City of Albany’.
12. Public submissions were received which welcomed the development on the site. However, concerns were raised regarding safe access throughout the area (including pedestrian) and the impact on the amenity (character, noise and views) of the area as a result of the development of a hotel and a residential density of R60. Requests were also made for other properties within the locality to be included within this amendment in order to increase their density from R20 to R30. Refer to the Schedule of Submissions, located at the end of this report, for further discussion.

Conclusion

13. Considering the subject land is ideally located close to the centre of the City, and in a predominantly residential area, the most appropriate zoning is for “Residential” purposes. The environmental reports previously provided indicate the site is free of any environmental and health concerns. Staff therefore support the amendment proposal for a rezoning from “Industry” to “Residential”.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany’s Town Planning Scheme No. 1A by:

- i) rezoning Lots 76, 77, 78, 79 and Portion of Albany Town Lots 75 Festing Street, Lots 207 & 208 Mill Street, Lots 221 and 220 Melville Street, Albany from the ‘Industry’ zone to the ‘Residential’ (R30) zone;
- ii) adding a “Special Site” in Appendix II;
- iii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and
- iv) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT Council, pursuant to Section 75 of the Planning and Development Act resolves to amend the City of Albany’s Town Planning Scheme No. 1A by:

- i) rezoning Lots 76, 77, 78, 79 and Portion of Albany Town Lots 75 Festing Street, Lots 207 & 208 Mill Street, Lots 221 and 220 Melville Street, Albany from the ‘Industry’ zone to the ‘Residential’ (R30) zone;**
- ii) adding a “Special Site” in Appendix II;**
- iii) receiving the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and**
- iv) amending the Scheme Maps accordingly.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

Planning & Development Act 2005
 Town Planning Scheme No. 1A - Amendment No. 140
 Schedule of Submissions for rezoning Lots 76, 77, 78, 79, 220 and Location 74, 75, 207, 221 and 208 Mill Street, Albany
 from 'Industry' to 'Residential R30' and 'Special Site' zones, and adding a 'Special Site' in Appendix II.

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	a) The EPA do not require a formal environmental impact assessment process, however, they advise that further research needs to be undertaken for soil, groundwater and vapour.	a) Further testing can be achieved prior to subdivision and development of the site.	a) Upheld: At 'Condition 1' within the special site schedule of conditions add the following requirement: "a remediation and validation report for soil, groundwater and vapour being undertaken to the satisfaction of the City of Albany in liaison with the department of Land and Water Quality".
2.	G Cutler 34 Melville Street ALBANY WA 6330	a) Object to the development of a hotel on the grounds that it will increase the traffic and affect the amenity of the area.	a) An indicative concept plan provided as part of the amendment illustrates the use '-hotel' on the subject land. This is only indicative and under the provisions of the Town Planning Scheme and schedule of additional uses the subject of this amendment, a hotel cannot be supported on the subject area. The proponents have since indicated no intentions for the development of a hotel on the site. In regards to traffic movement, the subject area has the potential for dual road access in order to share the vehicular movements. A condition (condition v) has been included within the conditions list to encourage the use of both streets. This will reduce the impact of traffic on any one street.	a) Upheld: Modify the amendment documentation to omit the use 'Hotel' from the indicative plan contained within.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>b) Object to a residential density coding of R60.</p>	<p>The WAPC (Liveable Neighbourhoods) encourages a mixture of lot sizes distributed throughout neighbourhoods to provide housing choice. Additional provisions to control the design of development have been included as part of the amendment to protect the amenity of the area. In accordance with the Town Planning Scheme 1A, the property currently has the potential to be developed at an R50 density for aged persons. The difference in densities R60 and R50 are only marginal.</p>	<p>b) Dismiss</p>
		<p>c) Supportive of development (as specified) is conditional on the preservation of views.</p>	<p>Development is to be in accordance with the Residential Design Codes (RDC), which makes restrictions on the height of buildings to 6m (wall) and 9m (top of roof). Where an application is made to develop contrary to the height limits, neighbours comment, justification and loss of views are taken into account. The City of Albany and the West Australian Planning Commission as the means for controlling residential development have adopted the RDC.</p>	<p>c) Dismiss</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
3	L Slott 28 Festing Street ALBANY WA 6330	<p>a) Support the density coding of R30 and the development of aged persons accommodation on the site.</p> <p>b) Include the Lots fronting Melville Street (western side) and 28 and 30 Festing Street in the Amendment 140 to make possible an R30 residential density code.</p> <p>c) Provide the development of pedestrian access throughout the area, especially along Festing Street.</p>	<p>a) The proposal makes the provision for R30 and aged persons accommodation.</p> <p>b) A density increase is not warranted without explanation in accordance with planning principles. Explanation is best provided as a new application for an amendment to the Town Planning Scheme, which illustrates the exact area under application and planning criteria for support.</p> <p>c) The City strategy for the location and construction of dual use paths in Albany makes the provision of a dual use path along Princess Royal Drive linking pedestrians from the central area to the Frenchman Bay area. At the development stage of the old Woollen Mills, the opportunity exists requiring a contribution for the construction of a dual use path to provide a connection for residents (north of the railway) to the dual use path to be constructed along Princess Royal Drive.</p>	<p>a) Noted</p> <p>b) Dismiss</p> <p>c) Dismiss</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
4.	M & S O'Doherty 30 Festing Street ALBANY WA 6330	<p>a) Construct a dual use path along Festing Street to a dual use path on Frenchman Bay Road.</p> <p>b) Include all the properties within 1km of the Town Centre with a density of R30. This will create a more vibrant and viable centre.</p>	<p>a) As per the officer comment stated in submission 3 (c).</p> <p>b) As per the officer comment stated in submission 3 (b).</p>	<p>a) Dismiss</p> <p>b) Dismiss</p>

..... CHIEF EXECUTIVE OFFICER

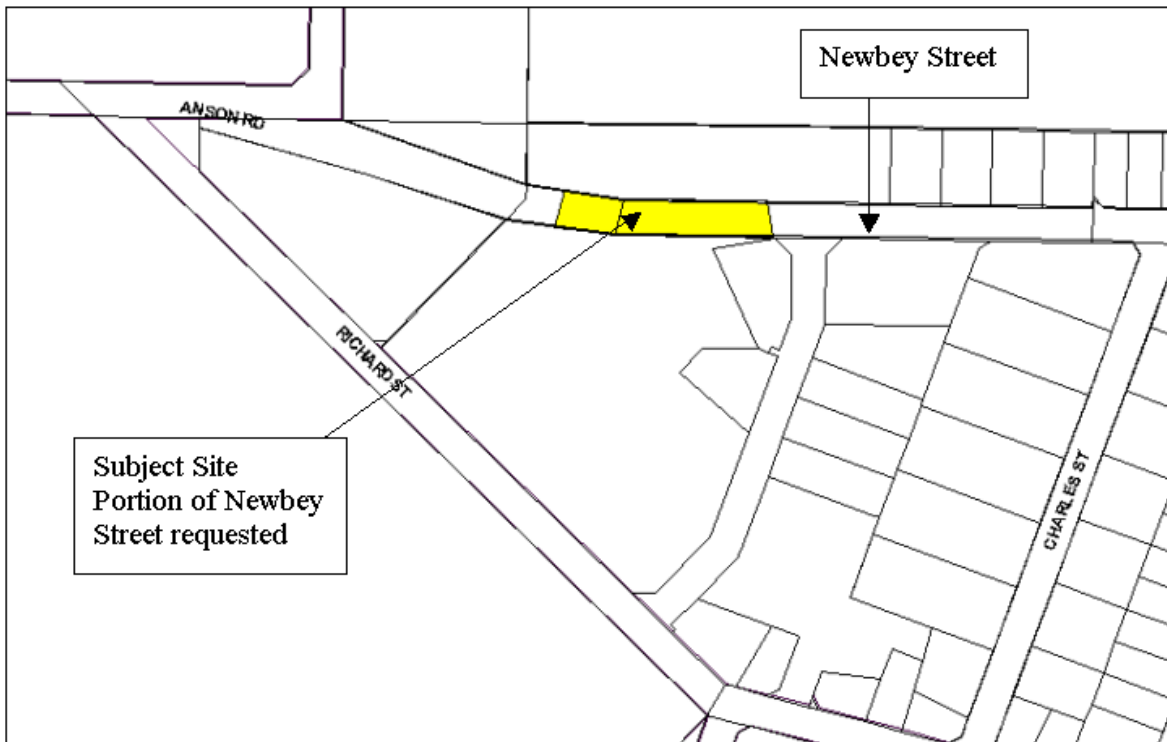
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DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 Closure of Road - Newbey Street, Milpara

File/Ward	:	A190293, SER 088 (Kalgan Ward)
Proposal/Issue	:	Closure of Portion of Newbey Street and Incorporation of Road into Industrial Lots
Subject Land/Locality	:	Newbey Street
Proponent	:	Harley Survey Group
Owner	:	R & H Hedderwick E & W Harley
Reporting Officer(s)	:	Planning Officer (L Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/9/06 - Item 11.1.4
Summary Recommendation	:	Resolve to Close Road
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

1. Application has been received from the landowners of Lot 9002 Richard Street seeking closure of a portion of Anson Road/Newbey Street. In return they will cede the portion of land required to implement the re-aligned Anson Road and Newbey Street intersection. A copy of the road closure plan (09196-12C) and a plan indicating the proposed portions of land to be 'swapped' (0919617A) are included at the rear of this report.
2. At the September meeting, Council resolved to advertise the road closure. At the conclusion of the advertising period, a total of three (3) submissions had been received, with none of them objecting to the road closure.

STATUTORY REQUIREMENTS

3. Section 58 of the Land Administration Act 1997 requires that the Local Authority must resolve to close a road reserve only after it has been subjected to a 35 day public advertising process and Council has considered any submissions received during that period. The request is then forwarded to the Department for Planning and Infrastructure to complete the procedural steps to close the road.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to...

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

Priority Projects:

Nil”

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

COMMENT/DISCUSSION

7. The affected portion of road falls entirely within the current Anson Road/Newbey Street road reserve. The proposed re-alignment allows Anson Road and Newbey Street to intersect in a 'T-Junction' rather than continuing to flow into each other as a singular road, which is its current design. The proposed re-alignment is consistent with the Anson Road Structure Plan.
8. The three responses received from government agencies have raised no objection to the road closure. No other submissions were received by Council. Staff conclude from these responses that the community consider the application acceptable and a sound proposal.
9. The landowners have requested that in return for ceding the 1718m² area of land required for the realignment of Anson Road and Newbey Street into a T-Junction, that the closed portion of Anson Road/Newbey Street, which totals 1217m² in area, be transferred back to the applicant at no cost. This request is considered rational on the basis that the area of land being ceded as road reserve is greater than the closed portion area that will be transferred back to the applicant. Any costs relating to the transfer and ceding of land shall be borne by the applicant.
10. The Department of Planning and Infrastructure will be the authority who decides whether the landowners could obtain the closed portion of reserve at no cost or at market value.

RECOMMENDATION

THAT Council,

- i) pursuant to Section 58 of the Land Administration Act 1997, resolves to close the portion of Newbey Street, Milpara, as per the plan submitted (Plan 09196-12C, dated 26/8/06) by Harley Survey Group; and
- ii) request the Department of Land Information, upon the formal closure of the portion of Anson Road/Newbey Street, transfer the land (shown as Area A on plan 09196-17A) free of cost, to the landowners of Lot 9002 Richard Street in exchange for the ceding of land required for the re-alignment of Anson Rd/Newbey Street (shown as Area B on plan 09196-17A).

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EMERY**

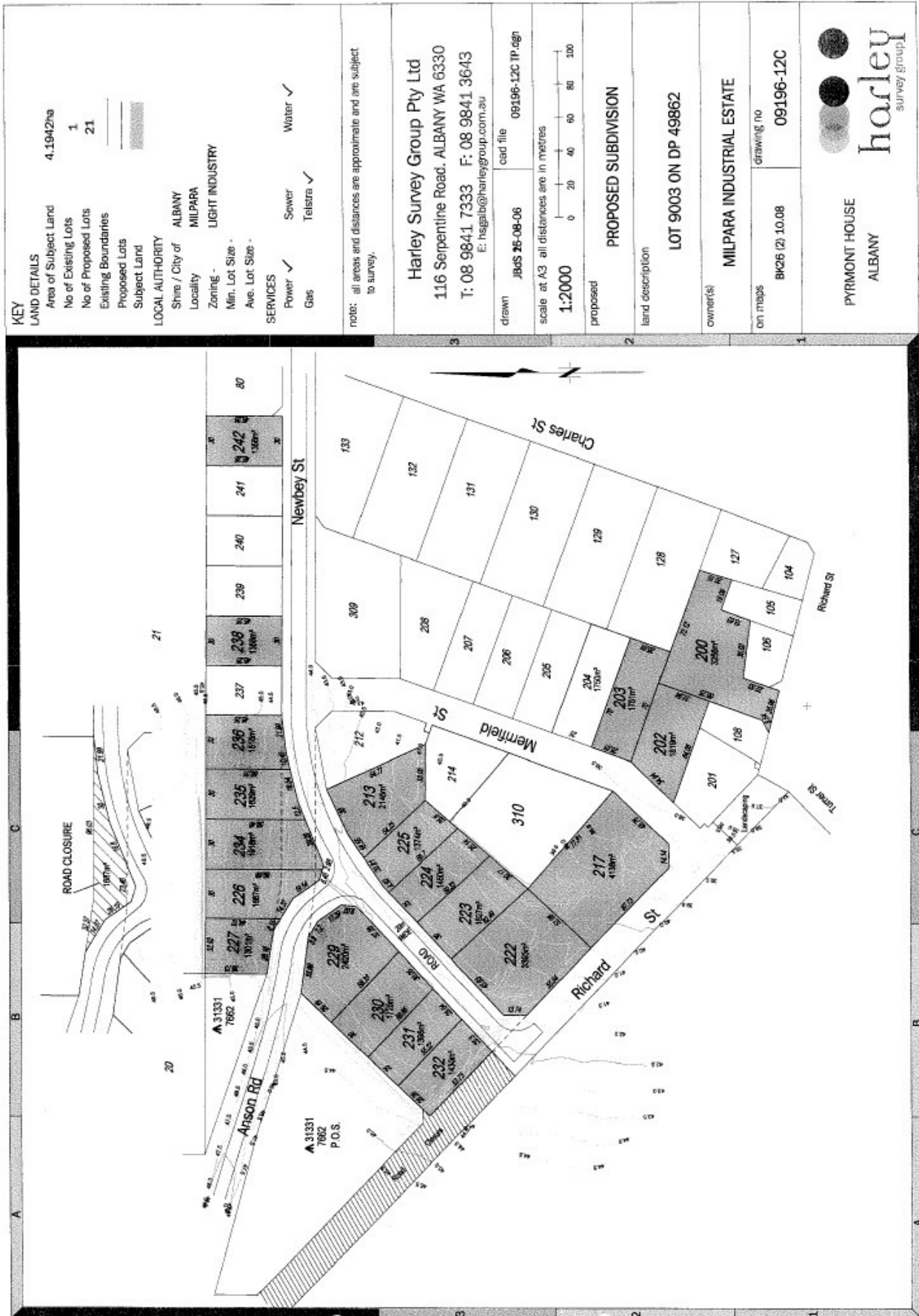
THAT Council,

- i) pursuant to Section 58 of the Land Administration Act 1997, resolves to close the portion of Newbey Street, Milpara, as per the plan submitted (Plan 09196-12C, dated 26/8/06) by Harley Survey Group; and**
- ii) request the Department of Land Information, upon the formal closure of the portion of Anson Road/Newbey Street, transfer the land (shown as Area A on plan 09196-17A) free of cost, to the landowners of Lot 9002 Richard Street in exchange for the ceding of land required for the re-alignment of Anson Rd/Newbey Street (shown as Area B on plan 09196-17A).**

MOTION CARRIED 13-0

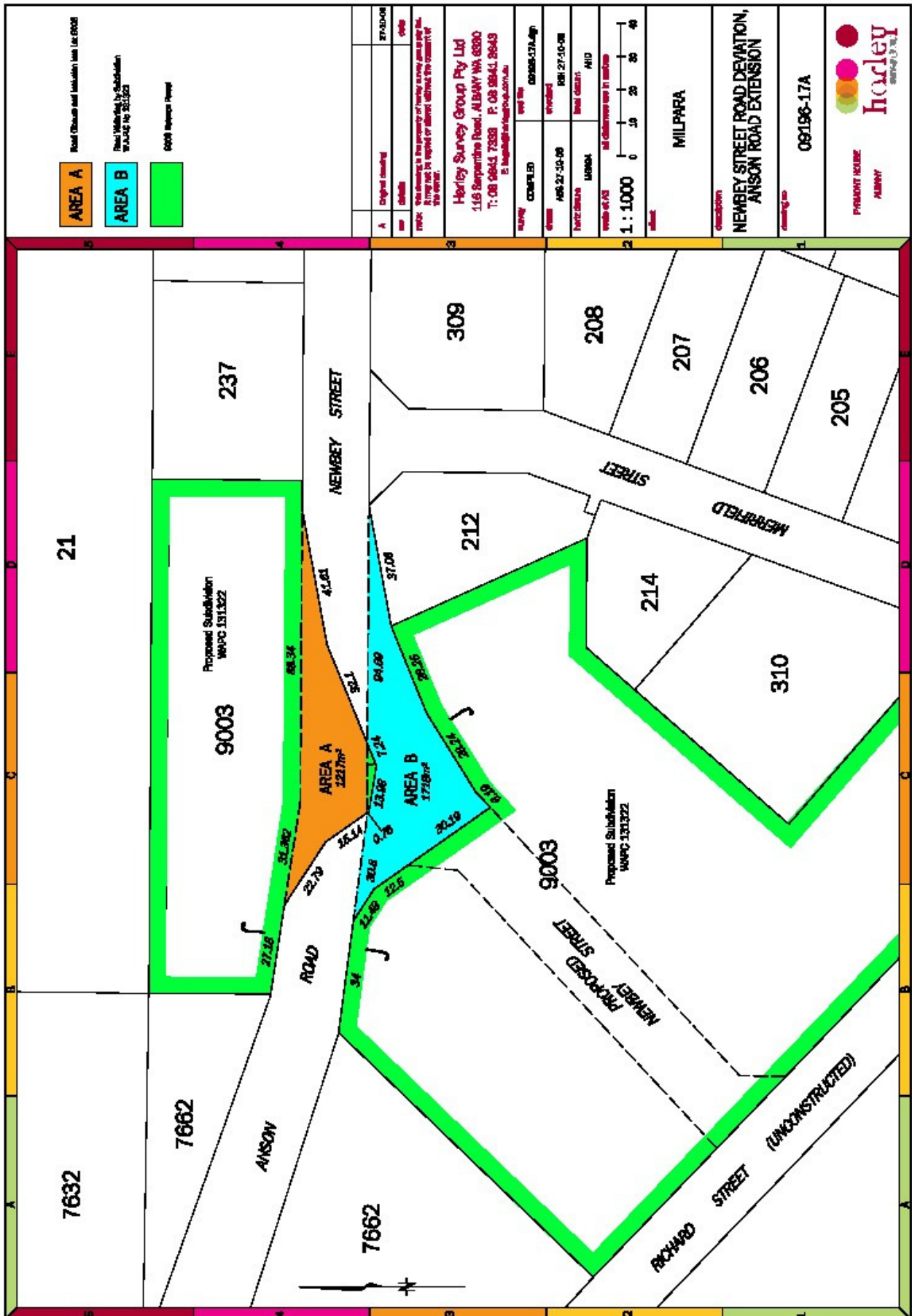
DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued



DEVELOPMENT SERVICES REPORTS

11.4.2 Purchase of Portion of Reserve – Chipana Drive, Little Grove

File/Ward	:	A64820 (Vancouver Ward)
Proposal/Issue	:	Driveways Constructed Across Reserve 1036 Providing Access to Lots 221 and 222
Subject Land/Locality	:	Portion of Reserve 1036 Adjoining Chipana Drive, Little Grove
Proponent	:	Crown
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Cancel Reserve and Incorporate into Road Reserve
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. The owners of Lot 221 and 222 Chipana Drive have developed their properties in a manner that has resulted in their buildings cutting off access to the rear yards of the properties. In both instances, the landowners have constructed driveways across an adjoining section of Reserve 1036 (Reserve for Recreation) to gain access to sheds constructed on those properties.
2. The section of Chipana Drive on the eastern side of lots 221 and 222 is also partially constructed on Reserve 1036 and the Water Corporation, Telstra and Western Power have infrastructure laid within the Recreation Reserve.
3. The Department of Planning and Infrastructure has come to two conclusions to rectify the current anomaly;
 - *Amalgamate the portion of Reserve 1036 located west of Chipana Drive into lots 221 and 222. Some widening of Chipana Drive may be required to accommodate the service authority infrastructure and the road pavement; or*
 - *Cancel the portion of Reserve 1036 located west of Chipana Drive and include the Reserve as a widening of Chipana Drive.*

STATUTORY REQUIREMENTS

4. Prior to the Department of Planning and Infrastructure progressing any action to change the status of the Reserve, Council's comments are sought.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

COMMENT/DISCUSSION

- 8. An initial response to this request could be to simply require the owners of lots 221 and 222 Chipana Drive to remove their driveways of adjoining Reserve 1036. Should Council wish to pursue that course of action, the owners of lot 222 (the most northern of the two land parcels) are likely to request that Council construct physical road access to their property. No road pavement exists along their northern boundary where they have legal road frontage.
- 9. The owners of Lot 221 have a constructed portion of Chipana Drive across the southern boundary of their land and have the potential to develop alternate physical access to their property. However, the property is located on the inside of a major bend in Chipana Drive and a road intersection exists on the outer side of Chipana Drive, just east of their property; for safety reasons, the relocation of property access to their southern boundary may not be desirable.
- 10. If Reserve 1036 is converted into freehold land and incorporated into Lots 221 and 222, the owners of those lots could then proceed to clear the land, reconfigure property titles and ultimately dispose of the land; if that was to occur, the visual qualities of Chipana Drive would be diminished and current access arrangements would be exacerbated.
- 11. Staff support the second solution proposed by the Department of Planning and Infrastructure. Cancelling that portion of Reserve 1036 and incorporating it into the adjoining road reserve will allow Council to legalize the current access arrangements, it will allow current infrastructure to remain in place and the existing vegetation between Chipana Drive and Lots 221 and 222 will remain on property under the care and control of Council.

RECOMMENDATION

THAT Council advise the Department of Planning and Infrastructure that, pursuant to Section 56 of the Land Administration Act, Council requests that portion of Reserve 1036 located west of Chipana Drive to be cancelled and for the land contained in that portion of the Reserve to be included as a widening of Chipana Drive.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council advise the Department of Planning and Infrastructure that, pursuant to Section 56 of the Land Administration Act, Council requests that portion of Reserve 1036 located west of Chipana Drive to be cancelled and for the land contained in that portion of the Reserve to be included as a widening of Chipana Drive.

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.4.3 Road Dedication - Access Road to Albany Windfarm

File/Ward	: A6252, A174463 (Vancouver Ward)
Proposal/Issue	: Dedication of Sandpatch Road through Sandpatch Reserve
Subject Land/Locality	: Reserves 26117 (Prison Site) and Reserve 2903 (Sandpatch Reserve)
Proponent	: Crown
Owner	: Crown
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Dedicate Road Reserve
Bulletin Attachment	: Nil
Locality Plan	: Attached

BACKGROUND

1. The Department of Planning and Infrastructure has referred for Council's attention the constructed extension of Sand Patch Road through Reserves 26117 and 2903. The Department is seeking advice from Council as to whether Council proposes to arrange the dedication of the constructed extension as a public road.
2. A plan showing the relationship of the road to the existing reserves follows this report.

STATUTORY REQUIREMENTS

3. Prior to the Department of Planning and Infrastructure progressing any action to change the status of the Reserve, Council's resolution under Section 56 of the Land Administration Act is sought.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.4.3 continued

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. Currently the road pavement is located upon reserves under the care and control of the Minister for Justice and Police and the City of Albany. Whilst the road pavement remains on those reserves, the legal position for motorists and authorities under the Traffic Act, etc remains clouded.
8. It is desirable that the road reservation be extended to incorporate the entire length of Sandpatch Road, inclusive of the parking area at its southern terminus.

RECOMMENDATION

THAT Council advise the Department of Planning and Infrastructure that, pursuant to Section 56 of the Land Administration Act, Council requests that those portions of Sandpatch Road located within Reserves 26117 and 2903 be excised from Reserves 26117 and 2903 and dedicated as a public road.

Voting Requirement Simple Majority

.....

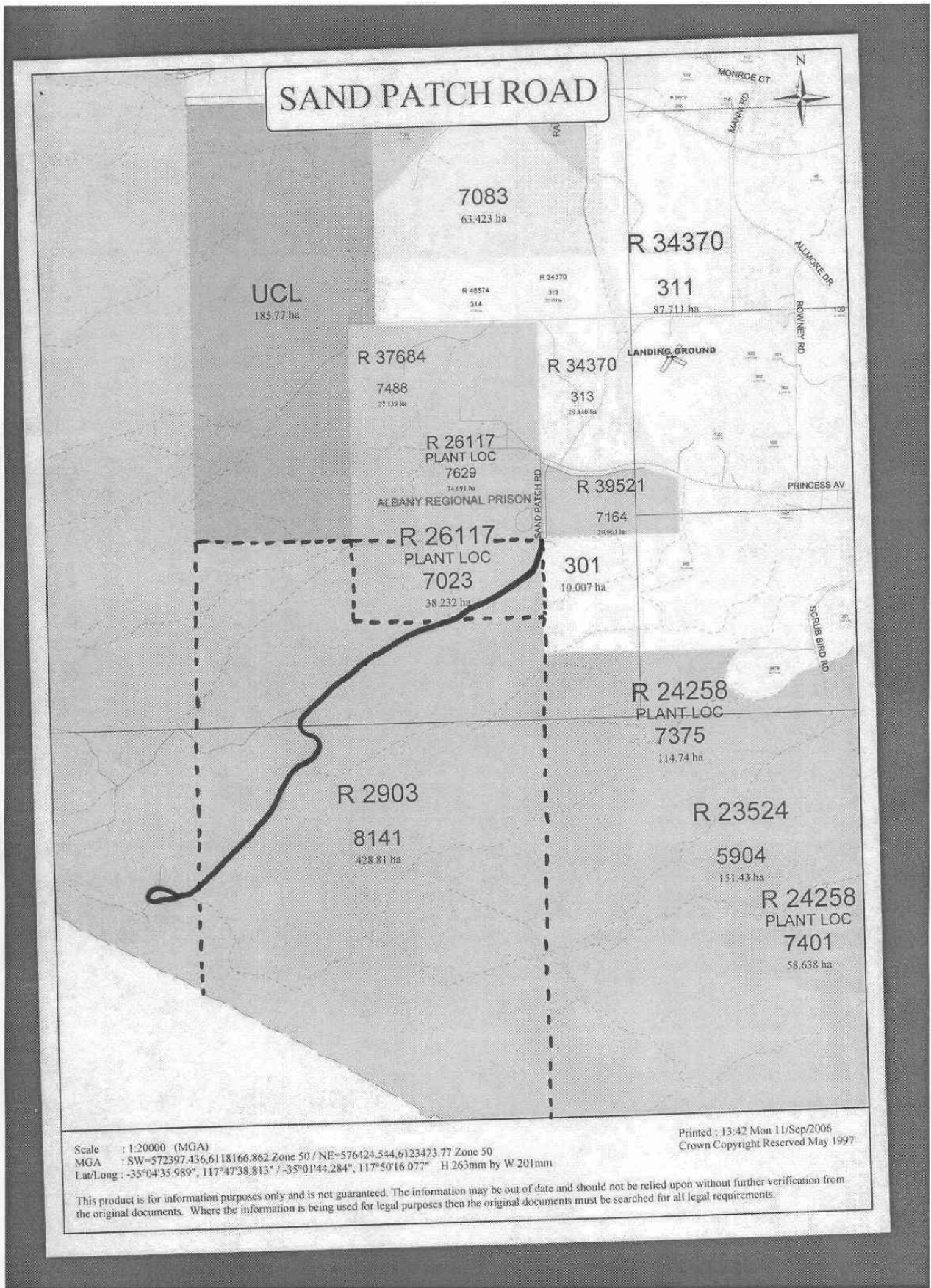
**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council advise the Department of Planning and Infrastructure that, pursuant to Section 56 of the Land Administration Act, Council requests that those portions of Sandpatch Road located within Reserves 26117 and 2903 be excised from Reserves 26117 and 2903 and dedicated as a public road.

MOTION CARRIED 13-0

ORDINARY COUNCIL MEETING MINUTES – 21/11/06
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.4.3 continued



DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Bushfire Management Committee meeting minutes - 5 September 2006

File/Ward	:	MAN 089 (All Wards)
Proposal/Issue	:	Committee items for Council consideration
Reporting Officer(s)	:	Emergency Management Coordinator (S Gray)
Summary Recommendation	:	That the minutes of the Bushfire Management Committee held on 5 September 2006 be adopted.

COMMENT

At the October meeting of Council items 9.1, 9.2 and 9.3 of the Bush Fire Management Committee were considered by Council as Urgent Business Approved by the Mayor. Copies of the Committee's Minutes were not distributed prior to the meeting and it was not possible for Council to receive those minutes.

RECOMMENDATION

That the minutes of the Bushfire Management Committee held on 5 September 2006 be received (copy of minutes is in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON

That the minutes of the Bushfire Management Committee held on 5 September 2006 be received (copy of minutes is in the Elected Members Report/Information Bulletin).

MOTION CARRIED 13-0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

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

COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques	Totalling		\$137,485.02
Electronic Fund transfer	Totalling		\$2,437,177.40
Credit Cards	Totalling		\$9,027.56
Payroll	totalling		\$780,941.87
Total			<u>\$3,364,631.85</u>

- As at 6th November 2006, the total outstanding creditors, stands at \$182,502.53.

RECOMMENDATION

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

Municipal Fund Totalling **\$3,364,631.85**

Voting Requirement Simple Majority

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EMERY**

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

Municipal Fund Totalling \$3,364,631.85

MOTION CARRIED 13-0

CORPORATE & COMMUNITY SERVICES REPORTS**12.1.2 Financial Activity Statement**

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (M Brenton)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Note Financial Activity Statement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

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

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Item 12.1.2 continued

COMMENT/DISCUSSION

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

RECOMMENDATION

THAT Council note the attached Financial Activity Statement for October 2006.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WOLFE**

THAT Council note the attached Financial Activity Statement for October 2006.

MOTION CARRIED 13-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT – Oct 06

	Actual Year to Date 31-Oct-06	Current Budget Year to Date 31-Oct-06	Budget Variance
OPERATING INCOME			
Rates	16,602,725.16	16,467,661	135,064
Grants & Subsidies	1,065,605.26	1,068,042	(2,437)
Contributions. Reimb & Donations	114,659.57	108,831	5,829
Fees & Charges	3,884,571.75	3,838,521	46,051
Interest Earned	293,803.06	309,764	(15,961)
Other Revenue / Income	302,479.42	282,161	20,318
Net Controlled Trust Revenue	(26,545.73)	(26,546)	
	22,237,298.49	22,048,434	188,864
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(3,838,254.98)	(3,660,336)	(177,919)
Utilities	(227,993.13)	(245,444)	17,451
Interest Expenses	(7,504.78)	(8,226)	721
Contracts & materials	(2,523,437.76)	(2,555,143)	31,705
Insurance expenses	(422,573.80)	(395,714)	(26,860)
Other Expenses	(472,130.75)	(467,686)	(4,445)
	(7,491,895.20)	(7,332,549)	(159,346)
CAPITAL INCOME			
Grants & Subsidies	271,541.82	252,562	18,980
Contributions. Reimb & Donations, Other	(500.00)	(500)	-
Proceeds from sale of assets	1,420,104.22	1,395,000	25,104
	1,691,146.04	1,647,062	44,084
CAPITAL EXPENDITURE			
Asset Masterplans	(844,043.81)	(852,882)	8,838
ALAC Redevelopment	(34,288.53)	(34,000)	(289)
Plant Replacement	(887,664.78)	(858,000)	(29,665)
Developers Subdivisions	0.00	0	-
Other Capital	(195,312.36)	(203,000)	7,688
	(1,961,309.48)	(1,947,882)	(13,427)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(94,980.12)	(91,725)	(3,255)
Proceeds from Self Supporting Loans	2,750.00	2,750	-
Proceeds from new loans	0.00	0	-
	(92,230.12)	(88,975)	(3,255)
OTHER BALANCE SHEET ITEMS			
Change in stock position	117,760.46		
Change in Debtors	(3,072,011.78)		
Change in Creditors	(1,038,009.62)		
	(3,992,260.94)		
NET CASH FLOW	10,390,748.79		
Opening Cash balance	15,968,783.53		
NET CASH AT BALANCE DATE	26,359,532.32		

Cash Summary

Municipal Account	15,151,389.07
Reserve Account	8,208,020.72
Trust Account	3,000,122.53
Total Bank / Investments	26,359,532.32

Item 12.1.2 continued

Explanation of Variances on Financial Activity Statement – October YTD 2006

Nil variances of 10% or greater for the month.

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.3 Audit Committee – 7th November 2006

- File/Ward** : FIN020 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Corporate Governance Coordinator (JR Byrne)
- Summary Recommendations** : i) THAT the Minutes of Audit Committee meeting held on 7th November 2006 be adopted;
ii) THAT the audited financial statements for 2005/06 be accepted; and
iii) THAT Council appoint Mr Russell Harrison as external auditor.

RECOMMENDATIONS

1. THAT the minutes of Audit Committee meeting held on the 7th November 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

2. THAT in accordance with the requirements of Section 5.54 of the Local Government Act, Council accept the City of Albany Audited Financial Statements for the year ending 30th June 2006.

Voting Requirement Absolute Majority

.....

3. THAT in accordance with Section 7.3 of the Local Government Act, Council appoint Mr Russell Harrison as external auditor for the financial years 2006/07 to 2009/10 inclusive.

Voting Requirement Absolute Majority

.....

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

ADDENDUM

Recommendation 2 has been amended by replacing the words ‘Audited Financial Statements’ with ‘Annual Report’, to comply with the requirements of Section 5.54 of the Local Government Act 1995.

AMENDED RECOMMENDATION

1. THAT the minutes of Audit Committee meeting held on the 7th November 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

2. THAT in accordance with the requirements of Section 5.54 of the Local Government Act, Council accept the City of Albany Annual Report for the year ending 30th June 2006.

Voting Requirement Absolute Majority

.....

3. THAT in accordance with Section 7.3 of the Local Government Act, Council appoint Mr Russell Harrison as external auditor for the financial years 2006/07 to 2009/10 inclusive.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

1. THAT the minutes of Audit Committee meeting held on the 7th November 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).
2. THAT in accordance with the requirements of Section 5.54 of the Local Government Act, Council accept the City of Albany Annual Report for the year ending 30th June 2006.
3. THAT in accordance with Section 7.3 of the Local Government Act, Council appoint Mr Russell Harrison as external auditor for the financial years 2006/07 to 2009/10 inclusive.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Adoption of Business Plan – Cull Road Subdivision Project

File/Ward	:	C06034 (Vancouver)
Proposal/Issue	:	Business Plan for Cull Road Subdivision Project has been prepared and submissions invited.
Subject Land/Locality	:	34 – 66 Cull Road
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	N/A
Previous Reference	:	Item 12.7.1 OCM 15/08/06
Summary Recommendation	:	That the Business Plan for the Cull Road Subdivision be adopted.
Bulletin Attachment	:	Copy of Business Plan
Locality Plan	:	N/A

BACKGROUND

1. The Cull Road Subdivision Project was initiated to provide necessary funding for the Albany Leisure and Aquatic Centre Redevelopment Project.
2. A Project Manager with the required skills and experience to establish a project team from external service providers, co-ordinate the work of the team, and provide liaison with the City where necessary has been appointed.
3. The major land transaction business plan for the subdivision of the property located at 34 - 66 Cull Road, Lockyer, has been prepared and advertised.

STATUTORY REQUIREMENTS

4. Section 3.59 of the Local Government Act 1995 relates to Commercial Enterprises by Local Governments, including land transactions, acquiring or disposing of an interest in land or developing land.
5. The Local Government Act 1995 states that;

A major land transaction means a land transaction other than an exempt land transaction if the total value of -

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

a) *The consideration under the transaction; and*

b) *Anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed.

6. Under the Local Government (Functions and General) Regulations 1996 the prescribed amount is determined as either \$1,000,000 or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year. (Regulation 7).
7. The proposed disposal of lands as outlined within this business plan is estimated to yield in excess of \$1,000,000 and as such is a major land transaction as defined for the purposes of Section 3.59 of the Local Government Act.
8. In accordance with the provisions of Sections 3.59 (2) & (3), before it enters into a major land transaction; or enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

Business Plan

9. The business plan is to include an overall assessment of the major land transaction and is to include details of -
 - a) its expected effect on the provision of facilities and services by the local government;
 - b) its expected effect on other persons providing facilities and services in the district;
 - c) its expected financial effect on the local government;
 - d) its expected effect on matters referred to in the local government's forward plan'; and
 - e) the ability of the local government to manage the performance of the transaction

POLICY IMPLICATIONS

10. Nil

FINANCIAL IMPLICATIONS

11. Council's Five Year Business Plan includes the redevelopment of the Albany Leisure and Aquatic Centre. The Finance Strategy Committee has recommended a range of funding measures, which included \$1.975 million from the Cull Road Subdivision. Any additional surplus may be used to retire debt or provide funding for other masterplan projects. These funding measures have been included in the Business Plan.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *excellent community infrastructure and services.*

Mission Statement:

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

- *sustainably managing Albany's municipal assets,*
- *delivering excellent community services,*
- *actively keep abreast of best practice,*
- *Respect(ing) the Communities Aspirations and resources.*

Priority Projects:

Nil”

COMMENT/DISCUSSION

13. The Local Government Act provides that the Business Plan must be advertised and that submissions may be made to the Council regarding the transaction set out in the business plan.
14. The Business Plan, entitled “Major Land Transaction Business Plan for the subdivision of the property located at 34 - 66 Cull Road, Lockyer” has been prepared in accordance with the provisions of the Local Government Act. (Copy included in Elected Members Bulletin).
15. The Business Plan was advertised in the West Australian on 6th September 2006.
16. Submissions relating to this business plan were invited, with the closing date of Friday, 20th October 2006.
17. After the last day for submissions, the local government is to consider any submissions made and may decide to proceed with the transaction as proposed or so that it is not significantly different from what was proposed.
18. No submissions were received.

RECOMMENDATION

THAT the “Major Land Transaction Business Plan for the subdivision of the property located at 34 - 66 Cull Road, Lockyer” be adopted.

Voting Requirement Absolute Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 21/11/06
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT the “Major Land Transaction Business Plan for the subdivision of the property located at 34 - 66 Cull Road, Lockyer” be adopted.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 Appointment of Specialist Services – Cull Road Subdivision Project

File/Ward	: C06042, C06043, C06044, C06045, C06046, (Vancouver)
Proposal/Issue	: Tenders received for provision of Consultancy Services for Town Planning, Civil Engineering, Surveying, and Landscape Architecture, for the Cull Road Subdivision Project.
Subject Land/Locality	: 34 – 66 Cull Road
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan) and Project Liaison Officer (W Bergsma)
Disclosure of Interest	: Nil
Previous Reference	: Item 18.1 OCM 15/08/06
Summary Recommendation	: THAT Council accept the listed appointments for Consultancy Services for Town Planning, Landscape Architecture, Civil Engineering, and Surveying.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The Cull Road Subdivision Project was initiated to provide necessary funding for the Albany Leisure and Aquatic Centre Redevelopment Project.
2. At the August 2006 OCM Council appointed Clifton Coney Group as Project Managers for the Subdivision.
3. Specialist Consultants now need to be appointed for the Project to proceed within the given time frame.

STATUTORY REQUIREMENTS

4. Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more than \$50,000.
5. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

6. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of the Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Council's Five Year Business Plan includes the redevelopment of the Albany Leisure and Aquatic Centre. The Finance Strategy Committee has recommended a range of funding measures, which included \$1.975 million from the Cull Road Subdivision. Any additional surplus may be used to retire debt or provide funding for other masterplan projects.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *excellent community infrastructure and services.*

Mission Statement:

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

- *sustainably managing Albany's municipal assets,*
- *delivering excellent community services,*
- *actively keep abreast of best practice,*
- *Respect(ing) the Communities Aspirations and resources.*

Priority Projects:

Nil”

COMMENT/DISCUSSION

10. Tenders were issued for the following services:-
 - i. Town Planning Services
 - ii. Landscape Architecture Services
 - iii. Valuation and Marketing Services
 - iv. Civil Engineering Services
 - v. Surveying Services
11. The Tenders were advertised in the West Australian on Saturday 14th October 2006, in the Albany Advertiser on Thursday 12th October 2006, and in the Albany Extra on Friday 13th October 2006. A total of twenty specifications were issued and seven submissions were received.
12. The Tenders have been evaluated by a panel consisting of the City of Albany Project Liaison Officer and Contract Administrator and Clifton Coney Group Project Manager and Project Director.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

13. The tender was evaluated according to the following criteria:

Description of Qualitative Criteria		Weighting
(a)	Relevant experience	20%
(b)	Technical capacity	10%
(c)	Personnel	20%
(d)	Quality Assurance	5%
(e)	Price	45%
TOTAL		100%

14. The following table outlines tender responses, their submitted prices and final scores, the highest score being the most advantageous to Council.

CO6042 Town Planning (7 issued, 2 received)		
Tenderer	Lump Sum Price	Score
Ayton Taylor Burrell (buy local)	\$24,740.00	868.45
Cardno BSD	\$57,398.00	386.55
CO6043 Landscape Architecture (2 issued, 2 received)		
Tenderer	Lump Sum Price	Score
Opus International (buy local)	\$45,000.00	690
Tract WA	Non-conforming	
CO6044 Valuation & Marketing		
5 issued, No submissions received		
CO6045 Civil Engineering (4 issued, 1 received)		
Tenderer	Lump Sum Price	Score
Opus International (buy local)	\$432,000.00	700
CO6046 Surveying (2 issued, 2 received)		
Tenderer	Lump Sum Price	Score
35 Degrees South (buy local)	\$84,500.00	706.2
Harley Survey Group (buy local)	\$90,900.00	668.8

RECOMMENDATION

THAT the City of Albany accepts the following tenders for Consultancy Services for the Cull Road Subdivision Project and enters into a contract for the following Consultancy Services:

- i) For Town Planning Services, Ayton Taylor Burrell for the sum of \$24,740.00
- ii) For Landscape Architecture Services, Opus International for the sum of \$45,000.00
- iii) For Civil Engineering Services, Opus International for the sum of \$432,000.00
- iv) For Surveying Services, 35 Degrees South for the sum of \$84,500.00

Voting Requirement Simple Majority

.....

Item 12.2.2 continued

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WALKER**

THAT the City of Albany accepts the following tenders for Consultancy Services for the Cull Road Subdivision Project and enters into a contract for the following Consultancy Services:

- i) For Town Planning Services, Ayton Taylor Burrell for the sum of \$24,740.00**
- ii) For Landscape Architecture Services, Opus International for the sum of \$45,000.00**
- iii) For Civil Engineering Services, Opus International for the sum of \$432,000.00**
- iv) For Surveying Services, 35 Degrees South for the sum of \$84,500.00**

MOTION CARRIED 13-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

CORPORATE & COMMUNITY SERVICES REPORTS

12.6 RECREATION SERVICES

12.6.1 Decommissioned Submarine – HMAS Orion

File/Ward	:	MAN184 (Frederickstown)
Proposal/Issue	:	The City has been offered the fin and fibreglass streamlining panels from the decommissioned submarine, HMAS Orion, for display.
Subject Land/Locality	:	Family Park – North Road
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That the City accepts the offer and allocates funds to the project.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. At the initiation of the then president of the Naval Association – Albany Sub Branch, Vic Sforcina, in 2004, the City initiated enquiries as to the possibility of obtaining the fin from the decommissioned submarine, HMAS Orion, for display in Albany.
2. It is intended to set up a display similar to the HMAS Otway in Holbrook, as a fitting and lasting tribute to the Orion.
3. Andrew McMahon, General Manager of McMahon Services, the company which was awarded the tender for the disposal of the vessel, has offered to donate the fin, together with the fibreglass streamlining panels to the City for this purpose.
4. The fin measures 6.3m in height from the streamlining and is 12.3m long at the base, and 11.8m long at the highest point. There are 14 streamlining panels, and a further metal section making up the superstructure.
5. Both the fibreglass and metal sections would require sandblasting and repainting.

STATUTORY REQUIREMENTS

6. Section 6.8 (1) (b) of the Local Government Act 1995 states that a local government is not to incur expenditure from its municipal fund for an additional purpose except

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

where the expenditure is authorised in advance by resolution (Absolute majority vote required).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. The cost of transportation, sandblasting, painting and setting up the display would be in the vicinity of \$40,000.
9. No specific budget allocation exists for this purpose.
10. It would be possible to reallocate the funds provided for the establishment of the HMAS Perth Interpretive Centre at the Princess Royal Fortress (\$50,000) as the Heritage Council has not approved of this project.
11. There would be minimal ongoing maintenance costs to the vessel, given that it is predominantly fibreglass.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

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

- *Excellent community infrastructure and services.*

Mission Statement

The City of Albany is committed to...

- *Sustainably managing Albany’s municipal assets,*
- *Delivering excellent community services.*

At all times we will...

- *Actively keep abreast of best practice;*
- *Respect the Community’s aspirations and resources.*

Priority Projects

Nil”

COMMENT/DISCUSSION

13. Commissioned in 1967 and one of six Oberon class submarines the Orion served the nation well over three decades. She was decommissioned in the late 1990’s and has been at HMAS Stirling since, awaiting disposal.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

14. Of the other submarines in her class, HMAS Ovens went to the maritime museum in WA, HMAS Onslow to the National Maritime Museum in Sydney and HMAS Otway to the town of Holbrook in NSW.
15. While the HMAS Orion has no direct relationship to Albany, Albany has been significant to submarines in general, being home to the U.S Submariners Memorial Service, being a U.S Submarine tender base during WWII, and, being located near an area utilised in submarine training.
16. The Royal Australian Navy (RAN) has been requested to assist in the painting of the vessel, and Lotterywest is currently assessing the likelihood of Lotterywest funding being available for the project.
17. It is proposed to display the submarine in the “Family Park” on North Road (directly across the road from the City’s office), alongside the man-made lake in that area.

RECOMMENDATION

THAT the City of Albany accept the donation of the fin and related superstructure of the decommissioned submarine, HMAS Orion, from McMahon Services, and reallocate the funds provided for the HMAS Perth Interpretive Centre (\$50,000) towards this project.

Voting Requirement Absolute Majority

.....

MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS

THAT Council:

Thank McMahon Services for the offer of the submarine components but decline acceptance.

Voting Requirement Simple Majority

.....

Reason:

- The submarine has little or no heritage linkage with Albany.
- The concept has been given very rudimentary costing analysis and concerns exist as to the possible blow out of both initial and ongoing expenditure.
- Risk analysis has not been undertaken on the project. Injury assessment with regards to use by small children is absent and public liability issues have not been addressed.
- The concept has had no community consultation and minimal engagement with elected members.

Item 12.6.1 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT Council thank McMahon Services for the offer of the submarine components but decline acceptance.

MOTION CARRIED 10-3

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

That Council establish a reserve fund for the purposes of assisting in the management and operation of the ANZAC Centenary Commemorative in Albany in 2015 and

- i) reallocate \$50,000 from the HMAS Perth Interpretive Centre to the ANZAC Centenary Commemoration Reserve Fund.
- ii) consider allocating a further \$10,000 per annum in the annual budget process to the ANZAC Centenary Commemorative Reserve Fund.

Voting Requirement Absolute Majority

Reason:

- Council needs to start planning for the Centenary of ANZAC and the establishment of a reserve fund will be an excellent start to the process.

FORESHADOWED MOTION

Councillor Waterman foreshadowed the following motion:

THAT the question be deferred for one month to enable the Executive Director Corporate and Community Services to provide advice on the best strategic use of the surplus \$50,000.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

That Council establish a reserve fund for the purposes of assisting in the management and operation of the ANZAC Centenary Commemorative in Albany in 2015 and

- i) reallocate \$50,000 from the HMAS Perth Interpretive Centre to the ANZAC Centenary Commemoration Reserve Fund.**
- ii) consider allocating a further \$10,000 per annum in the annual budget process to the ANZAC Centenary Commemorative Reserve Fund.**

**MOTION CARRIED 8-5
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS**12.6.2 Albany Classic – Assistance for Albany Classic Motor Event**

File/Ward	:	FIN022 (Frederickstown)
Proposal/Issue	:	Additional support requested for the Albany Classic Motor Event
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That conditional additional funds be allocated for the Albany Classic Motor Event
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. The Albany Classic Motor Event has been designated an icon event for the City of Albany. In previous years, it has been run by a committee consisting of volunteers, a co-ordinator paid by a contribution from the Vintage Sports Car Club (VSCC), and considerable voluntary assistance from the City of Albany Community Development Officer, Mr Rob Shanhun.
2. The City of Albany contributed \$8,000 for the running of the 2006 event. In 2006, a one-off contribution was also made from the Community Financial Assistance program to fund 70th Anniversary celebrations.
3. The committee has approached the City with the request that the City continues to auspice the event, and categorise the Classic as a City of Albany event (although the Committee would continue to run it). They further requested that the City continue to manage the accounts, increase its annual contribution by \$24,000 to pay the co-ordinator, and provide a City employee as a contact point.
4. The Committee has provided estimated costs and revenues for the event indicating a surplus of \$3,447.85. An analysis of the information provided against City of Albany accounts indicated a number of inconsistencies. The actual results for the 2006 event (including a contribution from the VSCC of \$12,000 for the position of co-ordinator) were:

Revenue	\$54,532
Expenditure	\$54,051
Net Surplus	\$481

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued

5. Representatives of the Committee have stated that unless Council's contribution is considerably increased, they may be unable to run the event.
6. An application has been lodged by the Committee to Eventscorp for a \$20,000 grant to run the tourism related ancillary functions such as entertainment.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. Council's 2006/07 Operating Budget includes a contribution to the Albany Classic of \$ 8,000 from the Community Events budget. The estimated total revenues and expenses (\$50,000) are included in the Community Development budget. The recommended option would require a re-allocation of \$13,000 in the second quarter review.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement

The City of Albany is committed to... Making a difference for Albany by Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.

Priority Projects

Nil”

COMMENT/DISCUSSION

11. The event's projected costings have been reviewed and it is recommended:

THAT the City increases its contribution from \$8,000 to \$21,000 on the following conditions:

- That the event remains a community event operated by the Committee
- That the City's role be major sponsor, with the Committee becoming incorporated and fully managing the event.
- That the Vintage Sports Car Club (VSCC) continues to fund the co-ordinator's remuneration.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued

RECOMMENDATION

THAT the City of Albany increases its contribution to the Albany Classic Motor Event from \$ 8,000 to \$21,000 subject to:

- i) The event remaining a community event organised by the Albany Classic Motor Event Committee
- ii) The City's role being limited to a major sponsorship, auspicing the event and maintaining the accounts, with the voluntary role previously undertaken by the Community Development Officer becoming the responsibility of the Event Coordinator.
- iii) The Committee becoming incorporated and fully managing the event.
- iv) The Vintage Sports Car Club (VSCC) continuing to fund the co-ordinator's remuneration.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WATERMAN**

THAT the City of Albany increases its contribution to the Albany Classic Motor Event from \$ 8,000 to \$21,000 subject to:

- i) The event remaining a community event organised by the Albany Classic Motor Event Committee**
- ii) The City's role being limited to a major sponsorship, auspicing the event and maintaining the accounts, with the voluntary role previously undertaken by the Community Development Officer becoming the responsibility of the Event Coordinator.**
- iii) The Committee becoming incorporated and fully managing the event.**
- iv) The Vintage Sports Car Club (VSCC) continuing to fund the co-ordinator's remuneration.**

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Arts Advisory Committee meeting minutes – 13th September 2006

File/Ward	:	MAN 116 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Albany Arts Advisory Committee held on 13th September 2006 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting of 13th September 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

- i) **Item 6.2 Studio Lease - Mike Hyder**
That the request by M. Hyder for a 3 year extension to his use of the studio space at the VAC be supported, with all other conditions/rental remaining the same.
- ii) **Item 6.5 Table – Mary Thomson House**
That tenders be initiated for the sale of the former boardroom table, with the funds obtained from this sale being directed towards further refurbishment works at Mary Thomson House.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Albany Arts Advisory Committee meeting of 13th September 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

- i) **Item 6.2 Studio Lease - Mike Hyder**
That the request by M. Hyder for a 3 year extension to his use of the studio space at the VAC be supported, with all other conditions/rental remaining the same.
- ii) **Item 6.5 Table – Mary Thomson House**
That tenders be initiated for the sale of the former boardroom table, with the funds obtained from this sale being directed towards further refurbishment works at Mary Thomson House.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

12.7.2 Albany Arts Advisory Committee meeting minutes – 11th October 2006

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 11th October 2006 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting of 11th October 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

- i) Item 6.1 Arts Project Officer's Report

THAT the Arts Project Officer's Report be accepted, and that in future the report be expanded to include other matters such as marketing and promotion of the Centre, and the like.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of Albany Arts Advisory Committee meeting of 11th October 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

- i) Item 6.1 Arts Project Officer's Report**

THAT the Arts Project Officer's Report be accepted, and that in future the report be expanded to include other matters such as marketing and promotion of the Centre, and the like.

MOTION CARRIED 13-0

12.7.3 Albany Town Hall Theatre Advisory Committee meeting minutes – 4th October 2006

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on 4th October 2006 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on 4th October 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on 4th October 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 13-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.7.4 Finance Strategy Advisory Committee meeting minutes – 25th October 2006

File/Ward	:	FIN 066 (All Wards)
Proposal / Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Finance Strategy Advisory Committee meeting held on 25th October 2006 be adopted.

RECOMMENDATION

THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 25th October 2006 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following recommendations adopted:-

- i) Item 5.0 Requested sale of land: Chester Pass Road.

That Pride Project Pty Ltd be advised that in accordance with the City's "Disposal of Council Land" policy, Lots 1, 2 and 3 Chester Pass Road are not for sale at this time.

- ii) Item 7.0 - Sale of 49, 51, 55 & 57 Minor Road

That pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepare a business plan for the subdivision and sale of # 49, 51, 55 & 57 Minor Road, Orana.

- iii) Item 8.0 - Investment Policy

That Council adopt the Policy for Investment of Surplus Funds.

- iv) Item 9.0 - Redevelopment of the York Street Administration Building Site

That the evaluation of tenders for the purchase of the York Street Administration Building site include a weighting factor for the design component.

- v) Item 10.1 - Demographic Survey

That Officer's investigate the possible scope and cost of a demographic survey of the City and surrounding regional area, and proceed if the project can be completed under existing allocations.

Voting Requirement Absolute Majority

.....

Item 12.7.4 continued

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 25th October 2006 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following recommendation adopted:-

- i) Item 5.0 Requested sale of land: Chester Pass Road.**

That Pride Project Pty Ltd be advised that in accordance with the City's "Disposal of Council Land" policy, Lots 1, 2 and 3 Chester Pass Road are not for sale at this time.

MOTION CARRIED 13-0

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WATERMAN**

- ii) Item 7.0 - Sale of 49, 51, 55 & 57 Minor Road**

That pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepare a business plan for the subdivision and sale of # 49, 51, 55 & 57 Minor Road, Orana.

MOTION CARRIED 13-0

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

- iii) Item 8.0 - Investment Policy**

That Council adopt the Policy for Investment of Surplus Funds.

MOTION CARRIED 13-0

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

- vi) Item 9.0 - Redevelopment of the York Street Administration Building Site**

THAT the preparation of the business plan for the sale of the York Street Administration Site be deferred and:

- 1. Professor Devilliers be engaged to conduct workshops and prepare site specific design guidelines and an overall Masterplan for the area that will encapsulate:**
 - a) Appropriate land uses for the site.**
 - b) The density and scale of residential apartments.**
 - c) Building heights, colours and design themes.**
 - d) Civic open space and the effective integration and utilisation of all of the proposed uses on the site.**

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.4 continued

- e) The required design relationships between the Town Hall Theatre, new buildings and York Street.
 - f) The protection of the heritage values and general amenity of the Town Hall.
 - g) The impacts of residential activity on the site and the York Street area generally and recommendation of the maximum number of apartments for the site.
 - h) The retention of sufficient civic space to maintain the present civic focus and importance as the 'hub' of social, cultural and civic activity in Albany.
2. That the Masterplan and guidelines be adopted in draft form prior to undergoing statutory process, including community consultation, that will lead to their acceptance as a Town Planning Scheme Policy.
3. That the Business Plan include the Masterplan and design guidelines as a requirement of the tender process and that assessment of tenders include evaluation against all requirements of the design guidelines as well as price. All tenders will need to provide concept designs that comply with the design guidelines.
4. That the draft of the Business Plan be adopted by Council prior to the release for community consultation.

Simple Majority Vote Required

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

iv) Item 9.0 - Redevelopment of the York Street Administration Building Site

THAT the preparation of the business plan for the sale of the York Street Administration Site be deferred and:

1. **Professor Devilliers be engaged to conduct workshops and prepare site specific design guidelines and an overall Masterplan for the area that will encapsulate:**
- a) **Appropriate land uses for the site.**
 - b) **The density and scale of residential apartments.**
 - c) **Building heights, colours and design themes.**
 - d) **Civic open space and the effective integration and utilisation of all of the proposed uses on the site.**
 - e) **The required design relationships between the Town Hall Theatre, new buildings and York Street.**
 - f) **The protection of the heritage values and general amenity of the Town Hall.**
 - g) **The impacts of residential activity on the site and the York Street area generally and recommendation of the maximum number of apartments for the site.**
 - h) **The retention of sufficient civic space to maintain the present civic focus and importance as the 'hub' of social, cultural and civic activity in Albany.**

Item 12.7.4 continued

- 2. That the Masterplan and guidelines be adopted in draft form prior to undergoing statutory process, including community consultation, that will lead to their acceptance as a Town Planning Scheme Policy.**
- 3. That the Business Plan include the Masterplan and design guidelines as a requirement of the tender process and that assessment of tenders include evaluation against all requirements of the design guidelines as well as price. All tenders will need to provide concept designs that comply with the design guidelines.**
- 4. That the draft of the Business Plan be adopted by Council prior to the release for community consultation.**

MOTION CARRIED 13-0

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR MARSHALL**

v) Item 10.1 - Demographic Survey

THAT Officer's investigate the possible scope and cost of a demographic survey of the City and surrounding regional area, and proceed if the project can be completed under existing allocations.

**MOTION CARRIED 10-3
ABSOLUTE MAJORITY**

12.8 COUNCIL REPRESENTATION

Nil.

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.2 CITY SERVICES – WASTE MANAGEMENT

13.2.1 Reallocation of Funds for Purchase of Loader

File/Ward	:	EQU038 (All Wards)
Proposal/Issue	:	Re-allocation of funds from Waste Reserves for the Purchase of a Loader
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Parks & Reserves Co-ordinator (M. Richardson)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve the re-allocation of funds from Waste Reserves to purchase a loader and dispose of the Cat 963 Traxcavator (P41)
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council staff operate a Traxcavator at the Bakers Junction Landfill site for their routine operational duties.
2. The Traxcavator has been owned by Council for 6 years and has been subject to costly maintenance and repairs during this time.
3. Brake failure has caused the Traxcavator to be stood down from service and is pending further costly repairs.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.2.1 continued

FINANCIAL IMPLICATIONS

6. There are no funds allocated for the purchase of a loader in the 2006/07 budgets. The loader is proposed to be purchased from the Waste business unit, which has an uncommitted balance in reserves well in excess of the required amount. The purchase of the loader will negate the need to hire. This will create cost savings as the machine is well utilised.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Thriving City: Excellent community infrastructure and services.

Mission Statement:

At all times we will actively keep abreast of best practice; Seek innovative approaches; Respect the community’s aspirations and resources.

Priority Projects:

Not applicable.”

COMMENT/DISCUSSION

8. Council purchased the 1984 Caterpillar Traxcavator (P41) second-hand in May 2000 for \$112,833. It was 16 years old at time of purchase.
9. The Traxcavator is used for pushing up rubbish, compacting waste material and covering the tip face.
10. The restricted use of the Traxcavator, however, has had a detrimental effect on the management of the Bakers Junction Landfill site and the ability to meet waste facility licensing requirements.
11. Landfill staff regard a loader with quick release attachments to be a better all-round machine for the landfill site. The loaders’ greater ground speed and manoeuvrability should provide for improved productivity. Downtime and repair costs will be significantly lower than the Traxcavator as well as reduced operational maintenance costs.
12. A loader of suitable specifications to work in a landfill environment is expected to cost \$245,000. The purchase of the loader will negate the need for the traxcavator, enabling Council to dispose of this item of plant.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

RECOMMENDATION

THAT Council,

- i) approve the re-allocation of funds from waste reserves to purchase a loader; and
- ii) approve the disposal of the Cat 963 Traxcavator licence AL17286 (P41)

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILLIAMS**

THAT Council,

- i) approve the re-allocation of funds from waste reserves to purchase a loader;
and**
- ii) approve the disposal of the Cat 963 Traxcavator licence AL17286 (P41)**

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil.

13.4 CITY SERVICES – CONTRACT MANAGEMENT

Nil.

13.5 CITY SERVICES – PROPERTY MANAGEMENT

Nil.

13.6 CITY WORKS – CAPITAL WORKS

13.6.1 City of Albany Construction Material Strategy

File/Ward	:	SER199 (All Wards)
Proposal/Issue	:	Adoption of Construction Material Strategy.
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Executive Director of Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt the City of Albany Construction Material Strategy, as attached.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council operates several gravel pits and one limestone pit.
2. In addition to Council owned pits several thousand cubic metres of gravel is sourced from private land.
3. Currently Council only has enough gravel stockpiled for 18 months forward projects and 3-4 years in reserve for future planning.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Adoption of the Construction Material Strategy will not in itself have any financial implications for Council. The Strategy identifies a number of incentives that if implemented would require a significant and ongoing financial commitment. These will be subject to Council's normal budgetary procedures.

WORKS & SERVICES REPORTS

Item 13.6.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system; and the restoration and protection of areas of high biodiversity within land, river and sea ecosystems.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

- 8. The Strategy will give Council Officers clear direction to explore and extract suitable materials to create a sustainable program for the next 20-30 years.
- 9. This document will also define strategies to rehabilitate existing gravel pits and previously disused pits.

RECOMMENDATION

THAT Council adopt the City of Albany Construction Material Strategy as attached.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WILLIAMS**

THAT Council adopt the City of Albany Construction Material Strategy as attached.

MOTION CARRIED 13-0

Item 13.6.1 continued



Council Strategy

Construction Material Resources

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

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WORKS & SERVICES REPORTS

Item 13.6.1 continued

Executive Summary

The timely supply of cost effective road construction and maintenance raw materials is a critical element in achieving the City's infrastructure and asset management objectives.

The ever changing legislative environment in which the mining and extraction of raw materials operates continues to provide challenges for the City, particularly in being able to accommodate the long term needs of our large and ever expanding road network. Environmental constraints, rising transport costs, competing users and the simple availability of strategically located reserves also present many difficulties.

Whilst new technologies may provide solutions in the medium to long term, it is imperative that City has a sustainable raw material supply that is coordinated with the logistical requirements of our works programs. A realistic and sustainably funded commitment to rehabilitation of extraction sites is also necessary.

This strategy advocates a 4-part focus upon exploration, extraction, rehabilitation and research and development. Constant measurement of performance and review of implementation tasks will be necessary to achieve long-term strategic success.

Financial systems must be established to ensure that the real cost of exploration, extraction and rehabilitation is allocated back to jobs on a unit cost basis and that stockpiles are secure and part of inventory management systems.

Strategic Context

This strategy is specifically aligned with the City of Albany's Corporate Plan as outlined below:

Community Vision

A Thriving City – excellent community infrastructure and services;

Mission Statement

The City of Albany is committed to sustainable managing of Albany's municipal assets.

Priority Project

Major Review Strategy No. 13 – Gravel Supply Strategy: Review existing gravel sources and develop strategy that secures long term gravel supplies for City operations.

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

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WORKS & SERVICES REPORTS

Item 13.6.1 continued

Strategic Focus Areas

Exploration

The availability of construction material is the critical element of the strategy. Ongoing exploration and quantity and quality analysis of materials is necessary along with detailed mapping of supply areas and identification of lead times for approval assessment processes relating to individual sites.

Expenditure related to the establishment of future supplies on privately owned land must be identified within the 5 year business plan and fifteen year financial plan as is the need to identify freehold purchase or prospective leasehold or licensing relationships with landowners. The true cost of exploration must reflect in the final cost of the job.

Extraction

The extraction of materials should be coordinated with the demand requirements of the works program and be extracted and ready for supply at least 12months prior to actual need. Lead times for approval processes are important and changes to statutory processes and procedures may have a significant impact on delays.

A detailed demand analysis should be undertaken when designing and planning all maintenance and construction activities and this data should readily correlate with the location and supply capability of identified extraction pits. The true cost of extraction must reflect in the final cost of the job.

Rehabilitation

Past performance in the rehabilitation of extraction sites has been only average with many sites still environmentally degraded and requiring significant intervention. It is important to accept that site rehabilitation is as important as extraction and must comply with licensing requirements.

Rehabilitation must be undertaken as soon as is realistically practical after extraction occurs and the costs thereon should reflect in the final cost of the job. An inventory of old sites that require remediation will be prepared and funding sought for their remediation.

Research and Development

Rising fuel costs, complicated regulatory environments and diminishing gravel supplies are making alternative sources of supply more and more attractive. In order to evaluate the realistic possibility of using new and radical alternatives, research and understanding of best practices in road maintenance and construction is critical.

As important is a reliable system that can establish the true unit cost of using the existing resource, which should include all expenditure related to exploration, extraction, storage, transport, application and rehabilitation. An absence of true cost data will make comparison and analysis of new alternatives subjective and unreliable.

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

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WORKS & SERVICES REPORTS

Item 13.6.1 continued

Key Actions**Strategic Focus Area 1: Exploration**

1. Establish inventory of all sites under City control and establish quality and quantity of resource and lead time for approval process.	
Timeframe	Complete by 2007
Resources	In house Surveyors
Officer	Manager City Works/Construction Surveyor
References	Map progressing

2. Identify suitable sites not under Council control and establish cost, preferred tenure, quality and quantity of resource and lead time for approval process.	
Timeframe	Complete by 2007
Resources	\$20,000 (testing)
Officer	Manager City Works
References	To be developed

3. Prepare Masterplan, mapping and identifying all sites, quantities, quality, actions necessary for release and extraction timeframe.	
Timeframe	Complete by mid 2007
Resources	Nil
Officer	Manager City Works
References	Map developing

Strategic Focus Area 2: Extraction

4. Establish strategic resource requirements by analysing asset master plans and construction and maintenance schedules for input to Masterplan	
Timeframe	Complete by mid 2007
Resources	Nil
Officer	Executive Director of Works & Services
References	To be developed

5. Establish inventory of all existing degraded sites requiring rehabilitation for input into Masterplan.	
Timeframe	Complete by Dec 2007
Resources	Nil
Officer	Manager City Works
References	See attached map showing location of site to be rehabilitated

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

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WORKS & SERVICES REPORTS

Item 13.6.1 continued

Key Actions (continued)**Strategic Focus Area 3: Rehabilitation**

6. Implement and continue annual rehabilitation of existing degraded sites.	
Timeframe	Ongoing
Resources	Costs are offset by levy of \$1.00/m ³ extracted
Officer	Manager City Works
References	See attached procedure for rehabilitation

Strategic Focus Area 4: Research and Development

7. Undertake research into cost effective best practice road building materials.	
Timeframe	Ongoing from 2007
Resources	(Works staff and equipment) \$50,000
Officer	Manager City Works
References	To be developed

Performance Measures**Exploration**

Total number of m³ available/m³ approved for extraction.

Extraction

Total m³ used/Council supplied m³

Rehabilitation

Percentage of annual hectares rehabilitated against total unrehabilitated hectares

Research and Development

Percentage of total amount of gravel used/the amount of recycled or reconstituted gravel used

Review

Executive Director of Works & Services to review annually on or before 30th June.

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

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WORKS & SERVICES REPORTS

Item 13.6.1 continued

Reference Documents

Resource Location map

- Local Government Access to Basic Raw Materials from State Forest and Timber Reserves, C.A.L.M. Policy Statement No 2, amended Feb 1993.
- Basic raw materials - Albany Regional Strategy, Land division, Sept 1996.
- Establishment and Rehabilitation of Material Pits and Reserves, City of Albany internal doc, Oct 2005.
- Guidelines for the Management and Rehabilitation of Gravel Pits, C.A.L.M

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

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13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil.

13.8 WORKS & SERVICES COMMITTEES

Nil.

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS**14.2 ORGANISATIONAL DEVELOPMENT****14.2.1 Fair Pay Commission decision – Adjustment of General and Outside Workers Salary in line with Federal Minimum Wage decision**

File/Ward	:	IND 007 (All Wards)
Proposal/Issue	:	Salary review of Outside and General employees
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Human Resources Coordinator (D Hughes)
Disclosure of Interest	:	Financial Interest
Previous Reference	:	Nil
Summary Recommendation	:	That Council agree to increase wages for Outside and General staff inline with the Fair Pay Commission decision.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The City of Albany currently operates under two Enterprise Bargaining Agreements, namely Certified Enterprise (Outside) Agreement 2004 for Outside staff and the Certified Enterprise (General) Agreement 2004 with the General staff and
2. Both agreements are due to expire in 2007; October 2007 for Outside staff and July 2007 for General staff.
3. Through the Enterprise Bargaining Agreements staff have received annual salary increases in line with the increases as determined by the Australian Industrial Relations Commission in the Minimum Wage decisions, which traditionally have occurred around June each year. Such that:
Outside staff remain 16% above award rates; and
General staff remain 14% above award rates.
4. **Outside Enterprise Agreement:** Minimum Wage decisions would become effective on the 1st July each year.
5. **General Enterprise Agreement:** Minimum Wage decisions would become effective on the 29th October each year.
6. With the introduction of the Federal Government's Work Choices industrial relations legislation in March 2006 the National Wage Case or Safety Net Review process has now been replaced with the Fair Pay Commission Minimum Wage decision.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

7. The Fair Pay Commission on the 26th of October handed down Minimum Wage decision for 2006.
8. In July 2006 Council agreed to a 2% pay increase to Outside Workers **only**, back paid to 1st July 2006. The decision to grant the increase was made under the proviso that retrospective adjustments would be applied once the decision from the Fair Pay Commission Minimum Wage decision was handed down in late 2006.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. The 2006/2007 budget has allowed for 4% increase in staff salaries.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

Mission Statement:

The City of Albany at all times we will demonstrate integrity, leadership and teamwork, value and develop our people. The City of Albany is committed to providing sound governance. The City of Albany will always be renowned for our high-performance system of governance.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

13. The Federal Minimum Wage decision was to vary award rates as follows:
 - an **increase** of \$27.36 per week in all Australian Pay and Classification Scales (Pay Scales) up to and including \$700 per week[1]; and
 - an **increase** of \$22.04 per week in all Pay Scales above \$700 per week[2].
14. This increase is due to take effect on December the 1st 2006 representing an 18-month time frame between Minimum Wage decisions at the Federal level.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

15. The decision applies to all Constitutional Corporations who are classified under the Federal Award system. The City of Albany has received legal advice confirming the City would be regarded as a Constitutional Corporation although this is legally untested at this time.
16. The outside staff who received a 2% wage increase (back paid to the 1st July 2006) will receive a further wage increase under the 2006 Fair Pay Commission Minimum Wage decision. There is no requirement to seek retrospective adjustments as the 2006 Minimum Wage decision represents higher percentage increases across the relevant awards than the 2% increase already granted by the Council.
17. Application of the Fair Pay decision prior to the effective date of 1st December 2006 would be in the spirit of the Enterprise Bargaining Agreements and within budgetary allocations.

RECOMMENDATION

THAT Council agree;

- i) to allow the Federal Minimum Wage decisions to flow on to the Outside Enterprise Bargaining Agreement;
- ii) the increase for Outside staff to incorporate the previous Council decision to grant a 2% wage increase, in July 2006;
- iii) any resulting increase for Outside staff be back paid to 1st July 2006;
- iv) to allow the Federal Minimum Wage decisions to flow on to the General Enterprise Bargaining Agreement; and
- v) the increase for General staff be back paid to the 29th October 2006.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT Council agree;

- i) to allow the Federal Minimum Wage decisions to flow on to the Outside Enterprise Bargaining Agreement;**
- ii) the increase for Outside staff to incorporate the previous Council decision to grant a 2% wage increase, in July 2006;**
- iii) any resulting increase for Outside staff be back paid to 1st July 2006;**
- iv) to allow the Federal Minimum Wage decisions to flow on to the General Enterprise Bargaining Agreement; and**
- v) the increase for General staff be back paid to the 29th October 2006.**

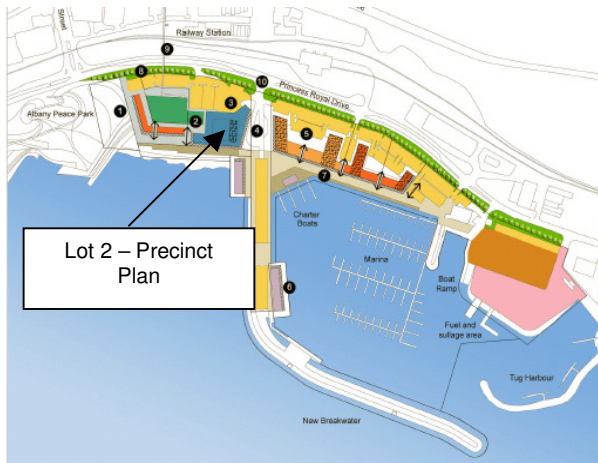
MOTION CARRIED 13-0

GENERAL MANAGEMENT SERVICES REPORTS

14.3 ECONOMIC DEVELOPMENT

14.3.1 Albany Entertainment Centre - Project Management and Governance

- File/Ward** : MAN 075/ C06004/(Frederickstown Ward)
- Proposal/Issue** : Project management and governance arrangements for the design and construction of the Albany Entertainment Centre at the Albany Waterfront
- Subject Land/Locality** : Lot 2 Albany Waterfront Precinct Plan
- Proponent** : City of Albany/Department of Housing and Works/Great Southern Development Commission
- Owner** : City of Albany
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16/08/05 Item 12.8.1
SCM 30/08/05 Item 6.2
OCM 18/10/05 Item 14.4.4
OCM 18/04/06 Item 14.4.2
OCM 18/07/06 Item 14.4.1
- Summary Recommendation** : THAT Council endorse recommended project management and governance arrangements for the design and construction of the Albany Entertainment Centre
- Bulletin Attachment** : Nil
- Locality Plan** :



GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

BACKGROUND

1. The City of Albany has previously lead feasibility studies and lobbied State and Federal Governments intensively for capital works funding to build the Albany Entertainment Centre. The previous management model proposed Council controlling selection of the architect, the design review process and selection of the builder. Under the previous model, Council will have accepted liability for cost escalation and all other risks.
2. Council has previously established and administered the Albany Entertainment Centre Steering Committee with terms of reference *“to assist Council facilitate the design, construction and layout of the Entertainment Centre within the Waterfront Precinct”*. The Committee has assisted Council with an Expressions of Interest process for architectural services. The Committee has been in abeyance since a funding deficit was confirmed and last met on 03 July 2006. The Committee consists of:-
 - Cllr Dennis Wellington
 - Cllr Paul Lionetti
 - Cllr Jan Waterman
 - Cllr John Walker
 - Ms Narelle Wakefield
 - Mr Ian Watson
3. One community member position is vacant due to the resignation of Mr David Heaver. A local advertisement for the vacancy was advertised in July 2006 and four nominations were received. The vacant position had not been filled at the time of writing.
4. At its 18 April 2006 meeting, Council resolved to shortlist four architects to tender for consultancy services to design the proposed Entertainment Centre as part of the Albany Waterfront redevelopment project.
5. In July 2006, the City of Albany submitted a detailed business case to the Treasurer of Western Australia for State Government capital works funding of \$34.85 million (\$19.95 million over and above an original amount of \$14.9 million previously approved). The funds were requested as a grant from the State Government. \$1.5 million has also been requested from the Federal Government’s Regional Partnerships Program. *(should the Regional Partnerships funding application be unsuccessful then the City has requested a total of \$36.35 million from the State Government)*.
6. On 11 October 2006, the Premier of Western Australia announced the State would commit the extra capital works funds as requested in the City of Albany’s business case. The Cabinet decision associated with the funding commitment stated that the Department of Housing and Works were to Project manage the design and construction of the building.
7. City of Albany staff met with representatives of the Department of Housing and Works and the Great Southern Development Commission on 20 October 2006 to discuss project management arrangements that are in accordance with the Cabinet decision. A Council briefing session was also conducted on 24 October 2006 to discuss governance issues.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

STATUTORY REQUIREMENTS

8. There are no statutory requirements related to this item.

POLICY IMPLICATIONS

9. The Albany Waterfront Memorandum of Agreement between the State of Western Australia and the City of Albany states:

- The City of Albany will be principally responsible for constructing the Albany Entertainment Centre as an initial stage including the project management, design, and statutory approval processes, construction, commissioning and ongoing care, control and management of the facility.
- The City of Albany will enter into a project funding agreement with the Great Southern Development Commission that details and agrees upon all aspects of the design, construction, commissioning and cash flow requirements of the project.

10. The proposed new project management and governance arrangements have been agreed with the Department of Housing and Works and the Great Southern Development Commission and introduce the following variations to the Albany Waterfront Memorandum of Agreement:

- the Minister for Works will be the Principal to the Contract and will assume risk management responsibilities;
- the Department of Housing and Works will be the Project Manager;
- the Great Southern Development Commission will manage project progress payments to the Department of Housing and Works and acquit project funds.

11. Under these arrangements, Council accepts no liability for cost escalation.

FINANCIAL IMPLICATIONS

12. Council has previously endorsed the following funding model to achieve the project:-

City of Albany	\$1.0m for purchase of Lot 2 (Albany Waterfront) from Landcorp \$1.2m contribution for design and construction of the centre
State Government	\$34.85 million* (confirmed) through budget of the Great Southern Development Commission
Federal Government*	\$1.5 million* (unconfirmed from Regional Partnerships Program of DoTARS)

** Should the Regional Partnerships funding application be unsuccessful then the City has requested a total of \$36.35 million from the State Government by the Great Southern Development Commission.*

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Excellent community infrastructure and services;*
- *A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities accessible to the community and attractive to investment.*

City of Albany Mission Statement

“Making the difference for Albany”

Priority Projects

City Facilities Projects

- *No 29: Obtain funding and design and construct a performing arts centre with capacity to host conventions.”*

COMMENT/DISCUSSION

Strategic Management of the Project

14. A Steering Committee consisting of representatives from the Department of Housing and Works (DHW), the Great Southern Development Commission (GSDC) and the City of Albany will be established to provide strategic direction and leadership in bringing the project to fruition.
15. The Principal to any contracts is the Minister for Works who will appoint the Project Architect, Builder and other service providers including the Project Director, Cost Management Consultant and Theatre Consultant to independently advise the Principal.
16. The GSDC is accountable for the project budget and is responsible to the WA Treasury for timely and judicious expenditure of the capital works budget. The GSDC will also provide progress reports to various State Government Ministers.
17. The project will be guided by a Memorandum of Understanding between the City of Albany, the Department of Housing and Works and the Great Southern Development Commission.

Process for Appointment of Architect

18. In accordance with the Cabinet decision to allocate significant funding as a capital works project of the Western Australian Government, the Minister for Works has issued a Request for Tender to four architects closing on 17 November 2006. The firms short-listed are:-

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

- Cox Howlett & Bailey Woodland/Roberts Gardiner Architects JV
- Hassell Ltd
- Hames Sharley (WA) Pty Ltd
- James Christou /Denton Corker Marshall JV

19. The four architects were previously selected by Council after it conducted an 'Expressions of Interest' process nationwide. The selection was made by Council upon consideration of a recommendation by the Albany Entertainment Centre Steering Committee and a Technical Evaluation Panel established by the City of Albany and consisting of:-

- Government Architect (Professor Geoffrey London)
- Director of Urban Design firm Urbanizma (Mr Patric deVilliers)
- City of Albany Manager Economic Development (Mr Jon Berry).

20. The Request for Tender issued to the four architects nominates a set fee of \$1,533,532 for the work involved in the contract for service. The tender will be assessed as follows:-

Criteria

Weighting

1. Illustration Of Design Approach 60 %

(Proponents have been invited to prepare an illustration of their design approach and present this to an Evaluation Panel. The purpose of this exercise is to assist the Principal select an architect, not to select a design solution. Unsuccessful firms will be paid \$10,000 excluding GST as an honorarium for this work)

2. Management Structure and Strategy 20 %

(Proponents nominate their project team and provide details of their project responsibilities.

3. Buy Local Policy 20 %

(Part 1) Local Participation (10%)

(Part 2) Aboriginal Enterprise and Employment Tendering Preference Policy (10%)

21. It is recommended Council has input into the selection of the Architect by participation on a 'Design Review Committee' lead by DHW and consisting of:-

- Government Architect – Chairman (Prof. Geoffrey London);
- Director of Urban Design firm Urbanizma (Prof. Patric deVilliers)*;
- Manager Economic Development - City of Albany (Mr Jon Berry) *(the Mayor and CEO will also attend panel meetings as observers);*
- Project Manager Department of Housing and Works (Mr Ian Johnston); and
- CEO Great Southern Development Commission (Mr Bruce Manning).

** Prof. deVilliers is overseas in November and has recommended Mr Dominic Snellgrove from CCN Architects act as his proxy for the period of his absence (refer attached resume)*

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

22. The Design Review Committee will meet on 22 November 2006 to recommend appointment of an architect to the DHW Tenders Committee. Elected members will be briefed by the Chairman of the Design Review Committee (or his representative) at a concept briefing session on 28/11/06. A Special Council meeting is scheduled for 5/12/2006 to consider formal endorsement (not approval) of the selection and appointment of the Architect by DHW.

Selection of Design

23. Once appointed the Project Architect will conduct design reviews with elected members at Council briefing sessions and will also consult with user groups. The Design Review Committee will be reconvened to make a recommendation to DHW on a preferred design. A Council briefing session will then be conducted to provide details and also justification off the recommended design and the level of community consultation that should occur.
24. Council will then formally endorse the final design at an Ordinary or Special Council meeting.

Construction and fit-out

25. DHW will appoint and manage the Project Architect who will complete detailed design, manage the tender process and appoint/manage the building contract. The contract is executed between DHW and the builder and Council accepts no liability for cost escalation. (*Control of the project is commensurate with financial risk – ie no control - no exposure to cost blow-outs*)
26. A Project Planning Group (PPG) will be established by Council Officers to provide local input and recommendations to full Council on interior fit-out / colours; landscaping and public art. These recommendations will come from the project professionals engaged by the architects ie interior designer, landscape architect and information will be disseminated and feedback sought at briefing sessions with appropriate consultants in attendance. Council officers will also provide ongoing input on technical theatre / sound issues, venue functionality and operational layouts.

RECOMMENDATION

THAT Council;

- i) Disband the Albany Entertainment Centre Steering Committee;
- ii) Enter into a Memorandum of Agreement with the Department of Housing and Works and the Great Southern Development Commission that recognises:-
 - a) the Minister for Works as the Principal to the Project Architect and the Department of Housing and Works as the Principal's representative
 - b) the Great Southern Development Commission as the administrator of the project capital works budget.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

- c) a requirement for Council endorsement of key stages of the project including the appointment of the architect; selection of the design and statutory approvals (as necessary);
- iii) Endorse the establishment of a local Project Planning Group consisting of Council Officers to liaise with the Project Architect (and sub-consultants) to bring recommendations to Council on interior fit-out, landscaping and public art;
- iv) Endorse the establishment of a Steering Committee consisting of representatives from the Department of Housing and Works (DHW), the Great Southern Development Commission (GSDC) and the City of Albany (Chief Executive Officer) to provide strategic direction and leadership in bringing the project to fruition.
- v) Endorse the establishment of a Design Review Committee lead by DHW and consisting of:
 - Government Architect – Chairman (Prof. Geoffrey London);
 - Director of Urban Design firm Urbanizma (Prof. Patric deVilliers);
 - Manager Economic Development - City of Albany (Mr Jon Berry) (*the Mayor and CEO will also attend meetings as observers*);
 - Project Manager Department of Housing and Works (Mr Ian Johnston); and
 - CEO Great Southern Development Commission (Mr Bruce Manning).

Voting Requirement Simple Majority

.....

Item 14.3.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT Council;

- i) Disband the Albany Entertainment Centre Steering Committee;**
- ii) Enter into a Memorandum of Agreement with the Department of Housing and Works and the Great Southern Development Commission that recognises:-**
 - a) the Minister for Works as the Principal to the Project Architect and the Department of Housing and Works as the Principal's representative**
 - b) the Great Southern Development Commission as the administrator of the project capital works budget.**
 - c) a requirement for Council endorsement of key stages of the project including the appointment of the architect; selection of the design and statutory approvals (as necessary);**
- iii) Endorse the establishment of a local Project Planning Group consisting of Council Officers to liaise with the Project Architect (and sub-consultants) to bring recommendations to Council on interior fit-out, landscaping and public art;**
- iv) Endorse the establishment of a Steering Committee consisting of representatives from the Department of Housing and Works (DHW), the Great Southern Development Commission (GSDC) and the City of Albany (Chief Executive Officer) to provide strategic direction and leadership in bringing the project to fruition.**
- v) Endorse the establishment of a Design Review Committee lead by DHW and consisting of:**
 - Government Architect – Chairman (Prof. Geoffrey London);**
 - Director of Urban Design firm Urbanizma (Prof. Patric deVilliers);**
 - Manager Economic Development - City of Albany (Mr Jon Berry) *(the Mayor and CEO will also attend meetings as observers);***
 - Project Manager Department of Housing and Works (Mr Ian Johnston); and**
 - CEO Great Southern Development Commission (Mr Bruce Manning).**

MOTION CARRIED 12-1

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

Proxy For Prof. Patric de Villiers - Design Review Committee

Director CV

Dominic Snellgrove BA(HONS), AA Dipl, RAI A

Summary of Experience

Dominic studied architecture in the UK at the Architectural Association in London before practicing in Berlin, London and Sydney prior to moving to Perth in early 2004. Whilst in Europe Dominic had extensive experience in retail and commercial projects including major redevelopment projects in the former East Berlin, and significant environmental initiatives associated with the commercial office sector in the UK for various institutional and public property companies.

Prior to joining CCN Dominic worked as a senior architect for Lend Lease Design in Sydney on various retail, commercial, entertainment, master plan and mixed use projects. This includes the high rise commercial tower Aurora Place by The Renzo Piano Building Workshop in association with Lend Lease Design, and various retail projects in Queensland and New South Wales, including Sunshine Plaza and MacArthur Square, as well as a 1300 seat performance space at Fox Studios in Sydney. Prior to leaving Lend Lease Dominic was the Concept and Design architect for the new Lend Lease Head Office in Sydney, 30 The Bond. His role as concept design and lead architect for this project enabled him to explore and develop his commitment to sustainable design and work place reform through the introduction of significant environmental initiatives to enhance indoor environment quality and energy conservation. The result is the first 5 Star SEDA rated office building in Australia incorporating chilled beam cooling technology and mixed mode ventilation as well as many other initiatives.

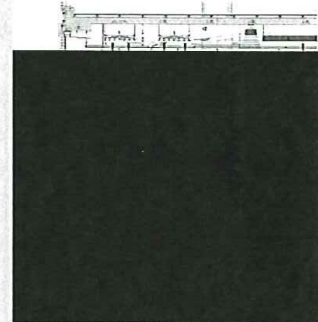
Since joining CCN as a Director in early 2004 Dominic has consulted with a number of WA Government Departments including LandCorp, the Department of Planning & Infrastructure and the Department of Culture & Arts. Dominic is also the CCN Design Director for the new Perth Arena which is a joint venture collaboration between CCN and the Melbourne based architects ARM.

Dominic's approach to architecture and design is characterised by a fundamental commitment to both environmental and social sustainability within an economic framework.

These principles have influenced his response to design and in particular to residential and retail master planning and work place reform where he has been able to explore, develop and implement design strategies generated around the sustainable occupation of space.

Professional Qualifications

2005	Green Building Council Australia Green Star Accredited Professional
2004	Board of Architects WA-Registered Architect
1998	Board of Architects NSW- Registered Architect
1994	South Bank University London- Registered Architect
1987-90	Architectural Association, London AADipl. RIBA Part II
1983-86	Kingston University, Surrey UK BA(Hons) Architecture RIBA Part



GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

Councillor Paver declared an impartiality interest in Item 14.4.1 and left the Chambers at 9.04pm. The nature of Councillor Paver's interest is that he is the Managing Director of a company that provides marketing services to the tourism industry.

14.4.1 Adoption of Minutes – Albany Tourism Marketing Advisory Committee (09 October 2006)

File/Ward	:	STR103 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Manager Economic Development (J Berry)
Summary Recommendation	:	That the Minutes of Albany Tourism Marketing Advisory Committee held on 09 October 2006, be adopted.

RECOMMENDATIONS

1. THAT the minutes of the Albany Tourism Marketing Advisory Committee meetings held on 09 October 2006 be received (*copy of the minutes are in the Elected Members Report/Information Bulletin*).

Voting Requirement Simple Majority

.....

2. THAT Council:-
 - a) terminate its agreement with PCYC to administer Albany Local Authority Number Plates using the graphic and words 'Experience Albany';
 - b) replace the existing Local Authority Plates with a new style* using up to five numbers; the 'amazingalbany' graphic followed by the letter 'A'.

**refer attachment to the minutes of the Committee for illustration*

Voting Requirement Simple Majority

.....

3. THAT Council set a retail price of \$200.00 for standard aluminium Local Authority Plates and as per Section 1.7 of the Local Government Act 1995 give local public notice.

Voting Requirement Absolute Majority

.....

4. THAT Council appoint Mr Rino Daniele to the Albany Tourism Marketing Advisory Committee.

Voting Requirement Absolute Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS

THAT Council advertise the vacant position on the Albany Tourism Marketing Advisory Committee.

Voting Requirement Simple Majority

Reason:

- Advertising of the position will widen the scope of candidates and ensure accountability and transparency.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT Council advertise the vacant position on the Albany Tourism Marketing Advisory Committee.

MOTION LOST 4-8

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR MARSHALL**

1. THAT the minutes of the Albany Tourism Marketing Advisory Committee meetings held on 09 October 2006 be received (*copy of the minutes are in the Elected Members Report/Information Bulletin*).

2. THAT Council:-

- terminate its agreement with PCYC to administer Albany Local Authority Number Plates using the graphic and words 'Experience Albany';
- replace the existing Local Authority Plates with a new style* using up to five numbers; the 'amazingalbany' graphic followed by the letter 'A'.

**refer attachment to the minutes of the Committee for illustration*

3. THAT Council set a retail price of \$200.00 for standard aluminium Local Authority Plates and as per Section 1.7 of the Local Government Act 1995 give local public notice.

4. THAT Council appoint Mr Rino Daniele to the Albany Tourism Marketing Advisory Committee.

MOTION CARRIED 10-2

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin DRAFT MOTION

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

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

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

MOTION CARRIED 13-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYORS REPORT

Fellow Councillors:

I'm very proud to report that the City's Tourism development initiatives have been recognised at two award ceremonies this month. On Friday 10th November, Albany took out the 2006 GWN Top Tourism Town Award at a formal ceremony in Perth. In what was a closely contested competition between six finalists, Albany impressed the judges by coordinating a range of tourism experiences on the day of judging on the 5th October. We obviously succeeded in convincing them that a visit to Albany is truly an "amazing" experience, because not only did we take out the Top Tourism Town award but we also won the Heritage Preservation Category.

On Saturday 18th November, the City was again a finalist at the Tourism Council's, 2006 WA Tourism Awards. Although we didn't take out the major prize on this occasion, we were silver medallists in the "Visitor Centre Category" and the "Destination Promotion Category". I'm delighted to add that three local businesses also enjoyed success at these awards;

- *Whaleworld was the Gold Medal winner of the "Sir David Brand Award for Tourism" and also received silver medals for the "Significant Tourist Attractions Category" and the "Heritage and Cultural tourism category".*
- *The Rocks took out gold for the "Luxury Accommodation Category"; and*
- *Cape Howe Cottages won silver in the "Hosted Accommodation Category".*

I would like to congratulate the City's tourism team who have lead the successful changes in tourism development in Albany; Andrew Hammond (CEO), Jon Berry (Manager Economic Development), Krysta Guille (Tourism Development Officer), Donelle Cameron (Supervisor of the Visitor Centre) and the members of the Tourism Marketing Advisory Committee, Chaired by Deputy Mayor Dennis Wellington.

The City hosted two Civic Receptions this month. The first was held on the 19th October for 130 visiting delegates attending the Birds Australia Congress. The second on 10th November 2006 for 17 members of the RAAF, 38 Squadron who performed flyovers for the Albany Show. I thank Councillor Milton Evans for hosting the Civic Reception for 38 Squadron in my place, due to it coinciding with the Top Tourism Town Awards.

Item 17.0 continued

Other significant events this month were:-

- *The Official Opening of the Woolworths Albany Brooks Gardens Store on 23rd October.*
- *The Keep Albany Beautiful – Garden of the Year Awards on 26th October.*
- *A presentation to the City's Head Ranger, Garry Turner who received the rare honour of Life Membership to the Western Australian Rangers Association; and*
- *School Award Ceremonies at St Joseph's College, the Albany Residential College and the Albany District Education Awards.*

Thank you.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

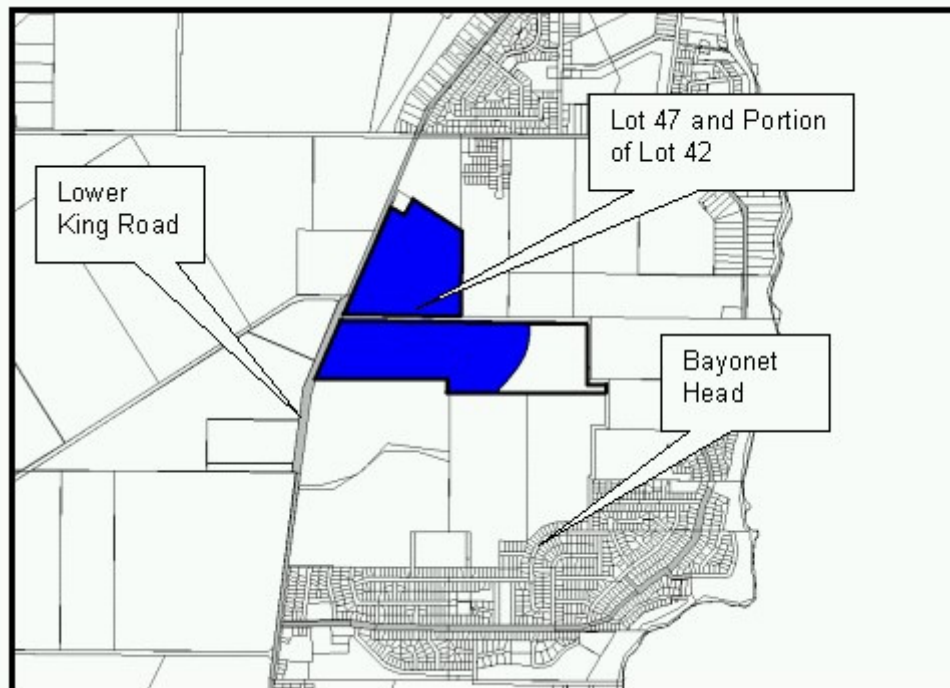
THAT the Mayor's Report dated 21 November 2006 be received.

MOTION CARRIED 13-0

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

18.1 Initiate Scheme Amendment - Lots 42 and 47 Lower King Road, Bayonet Head

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



Item 18.1 continued

BACKGROUND

1. An application to amend the zoning of Lot 47 and portion of Lot 42 from the 'Rural' to 'Residential Development' zone has been submitted.
2. The subject land falls within the adopted 'Bayonet Head Outline Development Plan' (ODP), which defines specific areas for residential (R20 and R40), public open space reserve and drainage reserve. The ODP has been developed primarily as a guide for development, land use and infrastructure.
3. Since the adoption of the ODP, Heath Development Company and Landstart have incrementally acquired a substantial portion of landholdings in the ODP area. This has been the catalyst in revising the ODP and the formulation of a 'Concept Plan' that is less constrained by cadastral boundaries, thereby enabling greater flexibility in the provision of key roads and land uses, and having greater regard for natural attributes of the site (refer to bulletin for mapping).
4. A modified version to the Outline Development Plan, which provides a more detailed conceptual analysis, has been prepared by the Proponents to 'value add' to the original ODP and is subject to approvals by relevant authorities once vegetation issues have been resolved. The modified version is currently being reviewed by the Environmental Protection Authority who have concerns with the planned development of land to the south of these subject lots.

STATUTORY REQUIREMENTS

5. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
6. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
7. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
8. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

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

Item 18.1 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

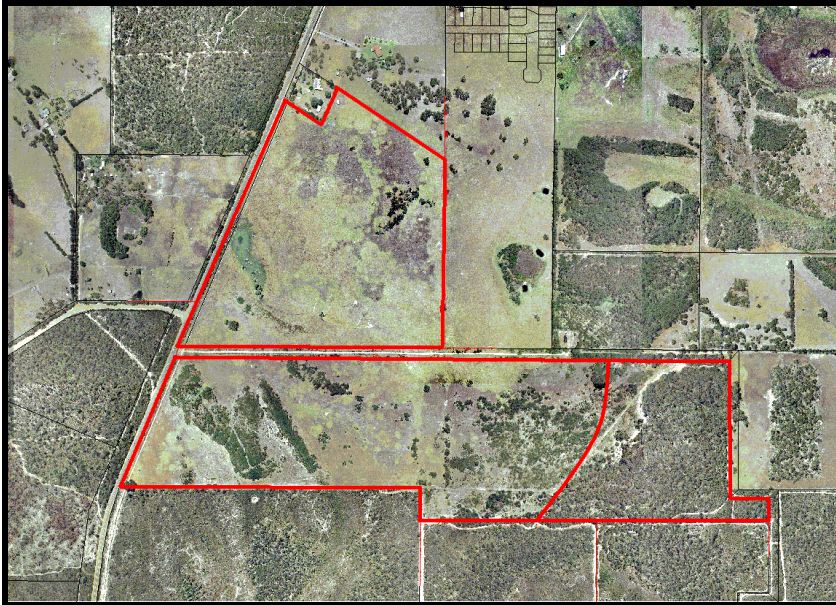
11. The Albany Local Planning Strategy (draft 2005) document indicates the subject land as being an ideal location to accommodate a local centre and residential living. The main reason being its location relative to other convenience outlets, to Lower King Road and the low environmental concerns made evident by the ODP.
12. The land to the east is more environmentally sensitive and has therefore been indicated as reserved land (public open space-passive). The amendment only deals with the cleared land on the western side of the subject lots. The eastern portion is to remain in the “Rural” zoning to be evaluated as part of a future stage of development.

COMMENT/DISCUSSION

13. Proposal
The rezoning to “Residential Development” is proposed to facilitate further staged development, the rationale of which falls in line with the adopted ‘OPD’, a ‘Concept Plan’, revised from the existing ODP and an already approved subdivision to the north. The new concept plan:
 - Better provides for the preservation of natural areas of significance and the provision of green links;
 - Better responds to the sites landform;
 - Provides a more accessible centre which, whilst not central to the ODP area, is ultimately more accessible to residents in and surrounding the area; and
 - Allows staging of the site’s development whilst environmental issues are further investigated.
14. Environmental
An examination of the aerial photograph (following) indicates that a significant proportion of the subject site has been cleared for the grazing of livestock and for general farming activities. An environmental assessment of the land was completed by ATA Environmental in October 2006 to determine whether there existed any environmental attributes or issues that would impact on the proposal to develop the land for residential purposes. The environmental assessment confirmed that the site has been cleared and extensively grazed; as a consequence, it is practically devoid of vegetation worthy of retention and of significant environmental features. However, the report does support the retention and rehabilitation of a degraded creek bed which could be effectively integrated into the east-west linear open space corridor promoted by the Bayonet Head Outline Development Plan (both current and revised) to both link existing quality vegetation areas (east and west of the site), and to also incorporate a stand of melaleucas on the site.

Item 18.1 continued

Aerial View (Vegetation)



- Land Suitability and Service Availability
15. Land suitability and servicing of the site has been explored as part of the ODP development process. These investigations have concluded that the site is suitable for development and capable of being fully serviced (including provision of sewer).
- Drainage and Flood Management
16. Drainage and flood management studies have been undertaken on the site by Wood and Grieve and PPK. The concept plan developed for the ODP demonstrates the capacity for the site to be drained, utilising a series of open detention and nutrient stripping basins along the main drainage routes. These are integrated into public open space areas consistent with Water Sensitive Urban Design principles. Refinement of the drainage management approach and detailed design will be further addressed through subsequent phases of the planning process. The work undertaken to date demonstrates the ability for drainage to be adequately resolved.
- Movement Network
17. Both lots front Lower King Road, which provides a suitable link to necessary community infrastructure. Further refinement and design of roads and intersections will occur as more detailed planning progresses. The need to appropriately treat the intersection of the main entry road into the site from Lower King Road is acknowledged and is being considered, as part of the traffic analysis conducted by the proponent.
- Residential Development
18. Both the current and revised Outline Development Plans indicate predominantly low density (R20) residential lots, with a range of medium density sites (R30/R40) provided in areas of higher amenity (such as close to shops and overlooking public open space). Further refinement and confirmation of the location and range of densities will occur as the planning process further develops, with no specific densities allocated under the zoning proposed.

Item 18.1 continued

Commercial Provision

19. The location and size of a local centre will, like the location of specific densities, roads and other design aspects, be subject to the revised ODP and subdivision application processes.

Acid Sulphate Soils (AASS)

20. The majority of the site is at a “low” to “no risk” of AASS, with a small portion in the north-east corner of Lot 42 with potential “high risk”. This area is retained within a public open space corridor, ameliorating the risk of acid sulphate soils issues arising on private lots.

Aboriginal Heritage

21. The proponent undertook a review of the Western Australian Department of Indigenous Affairs (DIA) Aboriginal Sites in September 2006. This found only one registered site -south of the study area. In the vicinity of the study area, a number of historical campsites on farms were occupied by recent Aboriginal immigrants but have not been registered to date. Additionally, ethnographic advice indicates:

“that the aboriginal community considers all waterways associated with the King River, Galgan River and Oyster Harbour as having mythological significance, potentially incorporating creeks running through Bayonet Head which drain into these waterways”

22. Additional research is being undertaken on this issue and will be completed in time to allow concurrent consideration with the outcomes of advertising of this Amendment.

Conclusion

23. The zoning proposed (Residential Development) is consistent with the areas allocated for ‘Residential Development’ in the Bayonet Head Outline Development Plan (ODP) and the recently prepared City of Albany draft Local Planning Strategy. An environmental review has confirmed that the proposal poses no environmental risk. Service and drainage issues have been demonstrated to be capable of resolution at the more detailed subdivision and development stages.

24. The rezoning is therefore considered appropriate and consistent with the direction set by Council in its planning documents. The rezoning will allow for the implementation of the area’s Outline Development Plan (both current or as amended) and the release of a further stage of this emergent residential community to meet current land shortages.

RECOMMENDATION

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

Voting Requirement Simple Majority

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Item 18.1 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

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

MOTION CARRIED 13-0

19.0 CLOSED DOORS

Nil.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 19th December 2006, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.14pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Councillor Williams	11.1.5 Environmental Survey – Yakamia Structure Plan Area	Owner of land within the Yakamia Structure Plan Area
Councillor Paver	14.4.1 Adoption of Minutes – Albany Tourism Marketing Advisory Committee (09 October 2006)	Managing Director of a company that provides marketing services to the tourism industry.

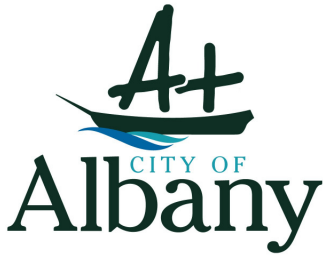
APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



[Agenda Item 12.1.1 refers]
[COUNCIL – 21st November 2006]

SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques		Totalling	\$137,485.02
Electronic Fund transfer		Totalling	\$2,437,177.40
Credit Cards		Totalling	\$9,027.56
Payroll		totalling	\$780,941.87
Total			<u>\$3,364,631.85</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$3,364,631.85 which was submitted to each member of the Council on 21 November 2006 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,364,631.85 which was submitted to the Council on 21 November 2006 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)