MINUTES

ORDINARY MEETING
OF COUNCIL

on
Tuesday, 20th January 2004
7.30pm
City of Albany - Mercer Road Office
City of Albany

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Signed ____________________________    Date:  22ND January 2004

Andrew Hammond
Chief Executive Officer
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1.0 DECLARATION OF OPENING
Her Worship the Mayor declared the meeting open at 7.30pm and extended a welcome to all present.

2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)
Mayor - A Goode, JP
Councillors - MJ Evans, JP
- SM Bojcun
- AHM Demarteau
- DJ Wolfe
- DW Wellington
- JD Williams
- RH Emery
- J Waterman
- P Lionetti
- E Barton
- I West
- R Paver
- G Sankey
- J Jamieson

Chief Executive Officer - AC Hammond
Executive Director Corporate & Community Services - WP Madigan
Executive Director Works & Services - B Joynes
Executive Director Development Services - R Fenn
Minute Secretary - S Day

Approximately 30 members of the public
3 media representatives

Apologies / Leave of Absence:

3.0 OPENING PRAYER
Councillor Sankey 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
Nil.
5.0 PUBLIC QUESTION TIME

*Les Johnson
Mr Johnson addressed the Council in regard to Item 11.1.3 – Vancouver Watering Point and outlined the history of the springs and surrounding area.

*Adam Wolfe
Mr Wolfe addressed Council in regard to Item 11.1.3 – Vancouver Watering Point and advised Council that he did not believe that the name P&O was appropriate. He suggested other names that may be more appropriate.

*Greg Newton
Mr Newton addressed Council in regard to item 13.2.4 – Bayonet Head Dual Use Path and asked Council not to close the bike/walk path.

*Laurie Naylor
Mr Naylor addressed Council in regard to Item 13.2.4 – Bayonet Head Dual Use Path and advised that a petition had taken place to close the Dual Use Pathway.

*Shelley Nottle
Ms Nottle addressed Council in regard to Item 13.2.4 – Bayonet Head Dual Use Path and opposed the closure of the pathway.

*Kellie Lynn
Miss Lynn addressed Council in regard to Item 13.2.4 – Bayonet Head Dual Use Path and presented Council with a petition for the pathway to remain open.

*Jenny Smithson
Ms Smithson addressed Council in regard to Item 11.3.3 – 70-88 Albany Highway and asked that Council support this proposal.

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 16th December 2003;
as previously distributed be confirmed as a true and accurate record of proceedings.

MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR DEMARTEAU

THAT the following minutes:
• Ordinary Council meeting held on 16th December 2003;
as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 15-0
7.0 APPLICATIONS FOR LEAVE OF ABSENCE
Nil.

8.0 DECLARATIONS OF FINANCIAL INTEREST
[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]
  • Councillor Williams - Item 11.3.7 – Owner of property within vicinity.
  • Councillor Barton – Item 11.3.3 – Employee at Coles.
  • Councillor Evans – In-partial interest – Item 12.8.2 – Involved within groups as documented within item.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED
Nil.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
Councillor Evans tabled a sustainability petition prepared by NASHS and recently accepted by him on behalf of Council.
Development Services

REPORTS
11.1 DEVELOPMENT

11.1.1 Development Application - Medical Clinic - 2-18 Pioneer Road, Centennial Park

File/Ward : A133463 (Fredericktown Ward)

Proposal/Issue : Medical Clinic (grant re-approval due to expiry of previous planning scheme consent)

Subject Land/Locality : Loc SP14 (2–18) Pioneer Rd, Centennial Park

Proponent : Ayton Taylor Burrell

Owner : Mr D Tadj

Reporting Officer(s) : Senior Planning Officer (G Bride)

Disclosure of Interest : Nil

Previous Reference : OCM 15/01/02 - Item 11.1.3

Summary Recommendation : Delegate authority to the Manager Development to grant conditional planning consent

Bulletin Attachment : Nil

Locality Plan : 

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Subject Site

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8
Item 11.1.1 continued

**BACKGROUND**

1. Ayton Taylor Burrell seek Council’s re-approval of a Medical Clinic development on Location SP14 (#2-18) Pioneer Road, Centennial Park.

2. At its meeting dated 15 January 2002, Council resolved;

   “THAT delegated authority be issued to the Manager Development to grant conditional Planning Scheme Consent for a Medical Clinic at Location SP14 Pioneer Road, Centennial Park subject, but not limited to, conditions which address the following requirements:

   i) the area identified for landscaping, it is to be designed, developed and maintained as garden planting or an area for pedestrian use. This open area must contain at least one tree capable of growing to a height of 3 metres or more for every 10 square metres of area;

   ii) vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair;

   iii) any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries;

   iv) the proponent to fund any infrastructure improvements that may be reasonably required as a result of the development;

   v) no signs are to be erected on the lot without Council’s approval, in accordance with the City of Albany’s signs local laws; and

   vi) provision being made for service vehicles and a lockable rubbish storage area with bin washing facilities."

3. The Planning Scheme Consent for the clinic (PSC No. 215239) was subsequently issued by the Manager of Development on 31 January 2002. As the approval is only valid for a two year period (therefore expiring on 31 January 2004), and the applicant has yet to substantially commence construction of the clinic, a new planning scheme consent is required to be issued by Council.

4. The subject land is zoned ‘Clubs and Institutions’ under Town Planning Scheme No. 1A and is approximately 8701m² in size.

**STATUTORY REQUIREMENTS**

5. The subject land is zoned ‘Clubs and Institutions’ with a ‘Medical Clinic’ being an ‘SA’ use under Town Planning Scheme 1A. The ‘SA’ classification requires Council to advertise the proposal.
Item 11.1.1 continued

6. In accordance with the Scheme, staff have advertised the proposal which closed for public comment on 11 December 2003. No submissions were received during the advertising period.

7. As the development is over $1 million in value, staff are required to refer the matter to an ordinary Council meeting under Development Guideline 1.1 of Town Planning Scheme No. 1A and the delegations issued to staff.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

11. The design of the building remains unchanged to that previously approved by Council, however the applicant has reduced the area of building that will be constructed under stage one of the development, bringing the value of the development down from $1.5 million to $1.1 million. Whilst the proposal shows a number of future extensions to the building, planning approval will only be issued for stage one, with subsequent expansion requiring a new approval.

12. Since the previous application was approved, Council has received and endorsed a traffic management plan, which concluded that no works were required within the road reserve except for kerbing along the edge of the existing carriageway, the provision of a footpath and three cross-overs.

13. Staff have attended a meeting with the developer to discuss in detail what level of infrastructure, external to the site, would need to be provided as part of the development. One issue that was raised was the effectiveness of the proposed footpath, given there would be no connection into an existing footpath network. Council’s Works and Services Department believe that the footpath should still be constructed, in preference to a monetary contribution, as Council is likely to extend the footpath network along Pioneer Road in the near future (it is scheduled for 2004 subject to Council’s endorsement). Whilst the applicant has proposed a 1.2 metre wide footpath, Staff require that this be widened to 1.5 metres to match Council’s proposed works.

14. The introduction of kerbing to that portion of Pioneer Road fronting the development will necessitate additional drainage works. Detailed stormwater drainage plans, showing such detail, would need to be submitted to Council prior to the issue of a building licence.
Item 11.1.1 continued

** RECOMMENDATION **

THAT delegated authority be issued to the Manager Development to grant conditional Planning Scheme Consent for a Medical Clinic at Location SP14 Pioneer Road, Centennial Park subject, but not limited to, conditions which address the following requirements:

i) the area identified for landscaping, it is to be designed, developed and maintained as garden planting or an area for pedestrian use. This open area must contain at least one tree capable of growing to a height of 3 metres or more for every 10 square metres of area;

ii) vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair;

iii) any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries;

iv) the construction of a 1.5 metre wide footpath along that portion of Pioneer Road fronting the development;

v) the construction of kerbing and subsequent drainage works, along the edge of the existing carriageway; and connecting to the existing drainage infrastructure;

vi) no signs are to be erected on the lot without Council’s approval, in accordance with the City of Albany’s signs local laws; and

vii) provision being made for service vehicles and a lockable rubbish storage area with bin washing facilities.

Voting Requirement Absolute Majority

MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR DEMARTEAU

THAT delegated authority be issued to the Manager Development to grant conditional Planning Scheme Consent for a Medical Clinic at Location SP14 Pioneer Road, Centennial Park subject, but not limited to, conditions which address the following requirements:

i) the area identified for landscaping, it is to be designed, developed and maintained as garden planting or an area for pedestrian use. This open area must contain at least one tree capable of growing to a height of 3 metres or more for every 10 square metres of area;

ii) vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair;
iii) any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries;

iv) the construction of a 1.5 metre wide footpath along that portion of Pioneer Road fronting the development;

v) the construction of kerbing and subsequent drainage works, along the edge of the existing carriageway; and connecting to the existing drainage infrastructure;

vi) no signs are to be erected on the lot without Council’s approval, in accordance with the City of Albany’s signs local laws; and

vii) provision being made for service vehicles and a lockable rubbish storage area with bin washing facilities.

MOTION CARRIED 15-0
ABSOLUTE MAJORITY
Item 11.1.1 continued
Item 11.1.1 continued
Item 11.1.1 continued
Item 11.1.1 continued
11.1.2 Development Application – Yoga & Violin Classes – 13 Cliff Street, Albany

File/Ward : A105416 (Frederickstown Ward)
Proposal/Issue : Yoga & Violin Classes (Home Business)
Subject Land/ Locality : Lot 3 (13) Cliff Street, Albany
Proponent : M W Hyder
Owner : M W & H J Hyder
Reporting Officer(s) : Senior Planning Officer (G Bride)
Disclosure of Interest : Nil
Previous Reference : Nil
Summary Recommendation : To refuse the yoga component of the business, whilst supporting the continuation of the one-on-one violin classes
Bulletin Attachment : Submissions
Locality Plan : Nil
Item 11.1.2 continued

BACKGROUND

1. Application has been received from M W Hyder to operate violin and yoga classes from Lot 3 (13) Cliff Street, Albany. The yoga classes have been taking place on the property for the past 2 years, whilst the violin classes have been operating for some 5 years; both without the prior approval of Council.

2. The yoga classes involve groups of between 3 and 6 people and are conducted twice a week for a period of 1.5 hours. The violin classes are one-on-one lesson with approximately 14 students attending the site each week. Students attending the violin classes are generally dropped-off and picked-up by parents, thereby the parking of vehicles for this use would appear to not be an issue.

3. Vehicular access to the property is available via a double garage (accommodating the owner’s vehicles) which fronts onto a rear laneway. This laneway is owned by an adjacent neighbour (WA & DM Skipper), however the owners of Lot 3 Cliff Street, and another three properties, have legal rights to utilise this land for the purposes of access. There are currently no parking facilities at the front of the property facing Cliff Street.

4. Given there is no ability to accommodate student parking on the property, the applicant has advised that students have been parking on View Street and Cliff Street adjacent to Cooinda Park.

5. The applicant has further indicated that, should approval be issued for the Home Business, they would like to discuss with Council the possibility of providing a footpath and on-street parking in Cliff Street for use by students and existing residents.

STATUTORY REQUIREMENTS

6. The property is zoned “Residential R30” within Town Planning Scheme No. 1A, and within this zone a ‘Home Business’ is deemed to be an ‘SA’ use.

7. An ‘SA’ use is one that requires advertising to surrounding neighbours, a sign on site and the placement of an advertisement in a local newspaper. In accordance with the Scheme, the proposal was advertised for a period of 21 days, whereby a total of five submissions were received; two in support and three against the proposal.

8. The use ‘Home Business’ is defined within Town Planning Scheme No. 1A as:

“….means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

a) does not employ more than 2 people not members of the occupier's household;

b) will not cause injury to or adversely affect the amenity of the neighbourhood;

c) does not occupy an area greater than 50 square metres;

d) does not involve the retail sale, display or hire of goods of any nature;
Item 11.1.2 continued

e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and

f) does not involve the use of an essential service of greater capacity than normally required in the zone”.

POLICY IMPLICATIONS

9. There are no policy implications relating to this item, however a draft home business policy is being prepared by staff and should be presented to Council within the next three months.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

12. During the advertising period three objections were received from adjacent neighbours expressing the following concerns with the proposal:

- The area is not zoned for business uses and should be located in an appropriately zoned area.
- Students have utilised the laneway at the rear, which is privately maintained, is not intended for general public usage and is the only access point to several properties.
- Congestion on View Street due to parking vehicles
- There is no parking for customers.
- The times students are there are generally outside working hours, when residents should have some right to peace and quiet.
- On-street parking creates congestion, noise etc.
- At no time have cars parked adjacent to Coolinda Park as stated by the applicant.

13. A full copy of all submissions have been placed within the Elected Members Report/Information Bulletin, inclusive of the two letters/responses advising that they had no objection to the proposal.

14. Due to the parking limitations associated with the subject land, and the number of vehicles generated by the classes, staff believe that the proposal does not meet the definition of ‘Home Business’ on the following basis:
Item 11.1.2 continued

- The business has shown to cause injury to or adversely affect the amenity of the neighbourhood; and
- The business has resulted in traffic difficulties as a result of the inadequacy of parking and an increase in traffic volume in the neighbourhood.

15. As the violin classes are one-on-one lessons and usually involve people who did not have a driver’s licence, this use does not generate any traffic difficulties and can be supported. In relation to the yoga classes, which can generate up to six vehicles at any one time, the inadequacy of on-site parking and the residential nature associated with View and Cliff Street is not conducive to this use and should therefore be refused.

RECOMMENDATION

THAT Council;

i) resolves to issue a Planning Scheme Consent for a Home Business (Violin Classes) at Lot 3 (#13) Cliff Street, Albany subject to the following conditions:
   (a) only one student is to attend the class at any one time; and
   (b) no processes being conducted within the dwelling that may cause a detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

ii) resolves to issue a Planning Scheme Consent Refusal for a Home Business (Yoga Classes) at Lot 3 (#13) Cliff Street, Albany due to the following reasons:
   (a) the business has shown to cause injury to or adversely affect the amenity of the neighbourhood; and
   (b) the business has resulted in traffic difficulties as a result of the inadequacy of parking and an increase in traffic volumes in the neighbourhood; and

iii) advises the applicant that the yoga classes, conducted without the prior approval of Council (and therefore illegal), are to cease within 30 days of the date of the Planning Scheme Consent Refusal, and should you fail to comply with such request, the matter shall be brought before Council for consideration of taking legal action over the non-compliance.

Voting Requirement Simple Majority

Executive Director Development Services advised that this item had been withdrawn at the request of the applicant and would be presented to the next Ordinary Meeting of Council.
Item 11.1.2 continued

John Devereux
Planning Officer
221 York St
ALBANY 6330
27 Oct 2003

Dear Sir,

Thank you for your prompt reply to my queries re the following applications to conduct part-time businesses from home.

Re: Application to conduct violin teaching from home residence at 13 Cliff St

I (Michael) have been teaching violin students from 13 Cliff St (Lot 3 Cliff St) for the past 5 years. At present, these 14 one-on-one lessons are spread over Wednesday evening (2 students), Thursday morning (3) and afternoon (6) and Saturday morning (3). It is not intended that this number will increase in the future. Students are dropped off/picked up either on View St or Cliff St (see attached diagram).

Re: Application to conduct yoga classes at 13 Cliff Street

I (Hamza) have been teaching yoga to small groups of 3 to 6 people at 13 Cliff Street since September 2001. This usually consists of two 1.5 hr classes per week but during some terms, I don’t hold any classes here, so it is a somewhat ad hoc arrangement. I am not intending to increase the number of home classes. Students’ vehicles are parked on the road verge at Cooninda Park (see attached diagram).

Yours sincerely,

Mike & Hamza Hyder

20 NOV 2003
Item 11.1.2 continued
Item 11.1.2 continued

Students currently park on Cliff St or View St at "Cooinda Park", as indicated by P.
11.1.3 Vancouver’s Watering Point – Naming of Springs

File/Ward : MAN 100 (Vancouver Ward)
Proposal/Issue : Renaming the existing ‘Vancouver Spring’ and applying this name to another spring within the grounds of Whaleworld
Subject Land/Locality : Reserve 21337 & Reserve 36721 (Whaleworld)
Proponent : Eric Harley
Owner : Crown
Reporting Officer(s) : Senior Planning Officer (G Bride)
Disclosure of Interest : Nil
Previous Reference : OCM 26/10/94 - Item 19.4
OCM 29/03/95 - Item P3/19
OCM 15/07/96 - Item W7/7
OCM 18/11/03 - Item 11.1.1
Summary Recommendation : Rename ‘Vancouver Spring’ to ‘P&O Springs’ and apply the name ‘Vancouver Spring’ to the spring located on Reserve 36721.
Bulletin Attachment : Officers report and submissions
Locality Plan :
Item 11.1.3 continued

BACKGROUND

1. At its meeting dated 18 November 2003, Council considered a proposal to rename Vancouver Spring to ‘P & O Spring’ and apply the name Vancouver Spring to an unnamed spring within the grounds of Whaleworld, and resolved:

   i) to advertise in a local newspaper and write to relevant interest groups advising of its intention to rename the spring at Whalers Beach to ‘P & O Springs’ and apply the name ‘Vancouver Spring’ to that spring found within the grounds of Whaleworld (Reserve 36721);
   ii) to revisit the matter at the December meeting of Council, should any objections be received from the community and/or any interest groups; and
   iii) to instruct staff to undertake the following works, should no objections be received during the advertising period and the Geographic Names Committee agree to the name ‘Vancouver Spring’ being applied to the spring within the grounds of Whaleworld, and a new name of ‘P & O Springs’ being applied to the Whalers Beach spring (Reserve 21337):
      • take down existing directional signage for Vancouver Spring;
      • replace the information plate on the existing memorial with a new plate and make funds available through a re-allocation, to undertake such work; and
      • modify the Municipal Heritage Inventory to recognise that Vancouver spring is located within the grounds of Whaleworld and modify the listing for the Whalers Beach spring accordingly.

2. The proposal was advertised in the local paper and letters were written to the Albany Historical Society, the Heritage Council of Western Australia and the Frenchman Bay Association.

3. During the advertising period, which closed on 11 December 2003, 10 submissions were received. A summary of the submissions together with a full copy of the submissions can be found in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

4. To rename the Whalers Beach Spring and apply a name to the Whaleworld spring, Council is required to lodge a request with the Geographic Names Committee. The Committee has advised that, in order to process the request, feedback from the community on the proposal is required and all historical information is to be submitted with the application.

5. Section 6.8 of the Local Government Act requires an Absolute Majority vote to approve a re-allocation of municipal funds.

POLICY IMPLICATIONS

6. If Council resolves to recognise that the Whaleworld spring was Vancouver’s watering point, then amendments to the City of Albany Municipal Heritage Inventory will also need to be made.
FINANCIAL IMPLICATIONS

7. There will be a cost incurred to remove directional signage, amend the information board adjacent to the lookout on Vancouver Road and replace the information plate on the memorial. Advertising the proposal in the local newspaper has already been undertaken at Council’s cost.

8. The memorial being built at the Whaleworld site is to be constructed by Whaleworld management at no cost to Council.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. Of the 10 submissions received, 9 submissions have raised an objection with the proposal. The Heritage Council of Western Australia was the only respondent that supported the proposal on the basis that the name changes were based, and substantiated by, extensive historical research by the proponent.

11. Whilst there were various issues raised within the submissions, as to why the proposed name changes should be rejected, a summary report on the main points of objection, along with staff’s response in included in the Elected Members Report/Information Bulletin. The main issues are:

- Maritime Charts
- Bearings from the Flat Rock to the Watering Place
- The Third Sandy Beach – Identification
- Adequacy of Referee’s used by Mr Harley
- Inaccuracy of equipment on Vancouver’s journey
- Commercialism of history – via Whaleworld

12. In relation to the naming of P & O Springs, one objection was received on the basis that the spring should continue to be known as ‘Vancouver Spring’. In this submission it was argued that the link to P & O shipping, which occurred in the mid 1800’s, was based on Vancouver’s identification of the spring in the first place. As can be seen in Attachment G of the officer’s report in the Elected Members Report/Information Bulletin, the link between seafarers and the spring, and in particular P & O Shipping has been well documented, and reinforces the role the spring played in the growth of Albany, during it’s pioneering years.
13. There was also a comment made that the spring at Whaleworld should be named after the Meneng people (the original owners who inhabited this area), rather than Vancouver. Whilst staff are supportive of aboriginal names being applied to geographical features, the spring at the site has played an important part in Albany’s European history, and as such should be awarded due recognition. Given the springs at Whalers Beach were of a better quality to that found within the grounds of Whaleworld, it is likely that these springs were considered to be more important by the Meneng people; an aboriginal name could be considered for these springs, should Council wish to pursue this option.

14. The Heritage Council of Western Australia has advised that as Whaleworld is on the Register of Heritage Places, any monument/plaque would need to be referred to them for approval prior to construction.

15. Staff are of the opinion that the evidence supplied by Mr Harley is conclusive in that the spring mentioned in Vancouver’s logs and charts was not located at Whalers Beach. Whilst some of the submissions have cast doubt on the exact location of the spring, the chart drawn by Vancouver’s crew, the bearings to the watering place and the flat rock, and the aerial photograph taken by John Bell, all seem to indicate that the spring within the grounds of Whaleworld was the one that was used.

16. Just as the original location of the watering point was thought to be at Emu Point, and then correctly modified to the southern side of King George Sound, this further evidence seeks to refine the area in which Vancouver took water.

RECOMMENDATION

THAT Council;

i) resolves to write to the Geographic Names Committee requesting that the name ‘Vancouver Spring’ be applied to the spring within the grounds of Whaleworld, and a new name of ‘P & O Springs’ be applied to springs at Whalers Beach (on Reserve 36721); and

ii) upon gaining the necessary approval from the Geographic Names Committee, instruct staff to undertake the following works:
(a) take down existing directional signage for Vancouver Spring.
(b) replace the information plate on the existing memorial with a new plate and make funds available through a re-allocation of municipal funds, to undertake such work; and
(c) modify the Municipal Heritage Inventory to recognise that Vancouver spring is located within the grounds of Whaleworld and modify the listing for the Whalers Beach spring accordingly.

Voting Requirement Absolute Majority

.................................................................
Item 11.1.3 continued.

MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WELLINGTON

THAT Council;

i) resolves to write to the Geographic Names Committee requesting that the name ‘Vancouver Spring’ be applied to the spring within the grounds of Whaleworld, and a new name of ‘P & O Springs’ be applied to springs at Whalers Beach (on Reserve 36721); and

ii) upon gaining the necessary approval from the Geographic Names Committee, instruct staff to undertake the following works:

a. take down existing directional signage for Vancouver Spring.

b. replace the information plate on the existing memorial with a new plate and make funds available through a re-allocation of municipal funds, to undertake such work; and

c. modify the Municipal Heritage Inventory to recognise that Vancouver spring is located within the grounds of Whaleworld and modify the listing for the Whalers Beach spring accordingly.

MOTION LOST 5-10
11.1.4 Compliance – Retaining Wall – 11 Festing Street, Albany

File/Ward : A97453 (Frederickstown Ward)
Proposal/Issue : Compliance of Retaining Wall
Subject Land/Locality : Location AT67 (11) Festing Street, Albany
Proponent : N/A
Owner : M & L Roberts
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Previous Reference : OCM 21/10/03 - Item 11.1.1
Summary Recommendation : Seek Declaration from Landowner
Bulletin Attachment : Nil
Locality Plan : 

[Map of Festing Street area with the subject site highlighted]

Subject Site
Item 11.1.4 continued

**BACKGROUND**

1. At the October 2003 meeting of Council it was resolved that “Council instruct the Chief Executive Officer that no further City resources are to be used to investigate, respond to or resolve the civil dispute which has arisen between the owners of 11 and 13 Festing Street, Albany.”

2. On the 17th November 2003 the Minister for Housing and Works wrote to Council advising that Council had an obligation to ensure an “unsafe structure” was properly dealt with. Officers of the Department of Housing and Works have spoken to one landowner concerned and a number of issues were raised in the Minister’s letter.

3. A reply was supplied to the Minister on the 24th November 2003, including some supporting information and a copy of the Section 401 Notice that had been served upon Mrs Roberts, the owner of the property upon which the retaining wall is constructed. The Minister was asked specifically to address the efficacy of the processes that Council had undertaken in handling this matter and detailed advice on whether he considered an additional Section 401 Notice needed to be served and the circumstances upon which the notice should be issued.

4. Councillors, under separate memorandum, have received a copy of the Minister’s response to these issues.

**STATUTORY REQUIREMENTS**

5. Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 provides that a notice can be issued where;
   (1a) – the building is unsafe or prejudicial to the public interest.
   (1b) – the building was not constructed in accordance with the approved plans, or
   (1c) – the building was constructed without the local authority’s approval

**POLICY IMPLICATIONS**

6. There are no policy implications relating to this item

**FINANCIAL IMPLICATIONS**

7. If option 2 outlined in the Minister’s letter is pursued, an independent structural engineer would need to be engaged and that option has not been costed by staff.

**STRATEGIC IMPLICATIONS**

8. There are no strategic implications relating to this item.
COMMENT/DISCUSSION

9. The Minister has advised that he considers the findings of the Vicary report have not been adequately resolved as they relate to “the proper dimensions of the constructed retaining wall, when compared to the approval planned and the soundness of construction.” He is suggesting that Council either seek a statutory declaration from Mr Roberts, as a registered architect, that he personally supervised the work or that an independent structural engineer be engaged to check the wall’s stability.

10. Consistent with Council’s earlier decision, the City has yet to receive the final report from Mr. Robert’s structural engineers, Wood and Grieve, verifying that the remedial work they requested has been completed to their satisfaction.

RECOMMENDATION

THAT:

i) Council seek a statutory declaration from Mr. Roberts as a registered architect confirming that he personally supervised the work on the retaining wall and that it was constructed in accordance with the Wood and Grieve Engineer’s design dated 31/10/96, particularly in regards to the dimension of the wall and that, where there may be variations to the approved design, they be disclosed in the declaration; and

ii) the Minister for Housing and Works be advised of Council’s decision.

Voting Requirement Simple Majority

...........................................................................................................

AMENDED RECOMMENDATION

THAT Council rescind its resolution for Item 11.1.1, passed at the ordinary meeting of Council dated 21 October 2003 which reads:

“THAT Council instruct the Chief Executive Officer that no further City resources are to be used to investigate, respond to or resolve the civil dispute which has arisen between the owners of 11 and 13 Festing Street, Albany”

Voting Requirement Absolute Majority

...........................................................................................................

Reason:

• The City of Albany has maintained a practice of assisting Ministers of the Crown and the State Ombudsman to resolve complaints by providing information upon request.

Councillors Paver, Emery, Evans, West and Demarteau supported this item being reconsidered.
Item 11.1.4 continued.

MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR JAMIESON

THAT Council rescind its resolution for Item 11.1.1, passed at the ordinary meeting of Council dated 21 October 2003 which reads:

“THAT Council instruct the Chief Executive Officer that no further City resources are to be used to investigate, respond to or resolve the civil dispute which has arisen between the owners of 11 and 13 Festing Street, Albany”.

MOTION CARRIED 15-0
ABSOLUTE MAJORITY

MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR JAMIESON

THAT Council

i) request the receipt within 30 days of a statutory declaration from Mr Roberts as a registered architect confirming that he personally supervised the work on the retaining wall and that it was constructed in accordance with the Wood and Grieve Engineer’s design dated 31/10/96, particularly in regards to the dimension of the wall and that, where there may be variations to the approved design, they be disclosed in the declaration;

ii) advise the Minister for housing and Works that it has passed this resolution; and

iii) deliver to the Minister the statutory declaration upon receipt of the same from Mr Roberts.

MOTION CARRIED 14-1

Reason:

• A time frame needs to be set for Mr Robert’s response to Council’s request to prevent this matter dragging on. It is appropriate that the Minister be informed on the contents of the Statutory Declaration given his involvement in seeking a resolution of this matter.
11.5 Building Compliance Concerns

File/Ward : MAN 057, MAN 049 (All Wards)
Proposal/Issue : Non compliance with Building Regulations and Council involvement in actions undertaken by neighbours on private lots.
Subject Land/Locality : Various
Proponent : City of Albany
Owner : Various
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Previous Reference : Nil
Summary Recommendation : Staff monitor process and report to Councillors on major issues.
Bulletin Attachment : Nil
Locality Plan : Nil

BACKGROUND

1. Councillor Paver has requested that an agenda item be prepared for Council’s consideration and which recommends that staff prepare a report on current building disputes. Particular attention was drawn to neighbourly disputes involving Mr Houweling and Mr Miller.

STATUTORY REQUIREMENTS

2. The request before Council would necessitate the background of disputes to be fully detailed in a Council report and for Council to then debate the merits of the actions taken by staff in resolving the matter. Defining what is a dispute, and at what stage in the resolution of the matter a report should be presented to Council, also becomes problematic.
Item 11.1.5 continued

**POLICY IMPLICATIONS**

3. Council has no policy relating to this matter. Annually, Council is required to review the level of delegation it extends to staff to make decisions on behalf of Council. A delegation can be withdrawn at any time throughout the year if staff do not perform those functions to Council’s level of expectation. During the previous four years, over 3,500 building licence approvals have been issued. In 2003 Council also capped the monetary value for large residential projects which staff could approve without referral of that application to Council.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

6. Councillor Paver has advised that there are an increasing number of disputes concerning the construction practices of neighbours, and the obligations of the City of Albany in relation thereto. The matters drawn to his attention warranted the need for Council to understand the nature of these disputes so that steps could be taken to prevent their occurrence in the future.

7. Staff will independently provide to Councillors a summary report on the matters mentioned by Councillor Paver. Management continually monitor disputes against Council and initiate changes in team operating procedures where procedures have proven to be deficient. Customers are also consulted on the impacts of proposed changes to ensure that they can be successfully implemented.

8. To put this matter into perspective, during an average week, staff in the Development Control team (building and planning) are asked to inspect dozens of complaints relating to shoddy workmanship and illegal land use practices, as well as to resolve disputes amongst neighbours on a range of issues. Complainants often falsely perceive that Council has an arsenal of powers to solve all neighbourly disputes. In most instances, investigation reveals that the complaints relate to civil matters, are generated because of a total break down of communication between landowners, involve actions taken without the knowledge of staff or they are a consequence of the withdrawal of government services (with the resident expecting that local government has assumed responsibility for that service).

9. From time to time, staff err when taking a decision based upon information which is later found to be suspect. In those instances, Councillors are usually advised by memorandum of the mistake and the course of action that will be followed. It is also not uncommon in the litigious society that now exists, for landowners to implicate Council in a damages claim when Council may not have been involved in the initial action or have even entered upon the site.
Item 11.1.5 continued

10. Councillor Paver has submitted the following draft recommendation for Council’s consideration:

 THAT Council instructs the Executive Director Development Services to prepare and submit to Council a report:

 i) Detailing the facts and the regulations bearing on the disputes that Mr J Houweling and Mr G Miller have with Council.

 ii) Describing what has been done and is being done to resolve these disputes.

 iii) Recommending the steps that may be taken by Council to prevent similar disputes from arising in the future.

11. An alternate recommendation is being submitted by staff for Council’s consideration.

RECOMMENDATION

THAT Council be advised of any major civil disputes or legal proceedings that present potentially serious financial or policy ramifications for the City and further that the CEO constantly review operational procedures to ensure that the Council’s exposure to liability in these matters is kept to a realistic minimum.

Voting Requirement Simple Majority

........................................................................................................................................

MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BARTON

THAT Council be advised of any major civil disputes or legal proceedings that present potentially serious financial or policy ramifications for the City and further that the CEO constantly review operational procedures to ensure that the Council’s exposure to liability in these matters is kept to a realistic minimum.

MOTION CARRIED 11-4
11.2 INSPECTION SERVICES

11.2.1 Fire Shed Sites – Goode Beach and Cheynes Beach

File/Ward : A174625 and A175091 (Vancouver and Hassell Wards)

Proposal/Issue : Siting of Future Fire Sheds

Subject Land/Locality : Reserve 878 Cheynes Beach and Reserve 21337 Frenchman Bay Road

Proponent : City of Albany

Owner : Crown

Reporting Officer(s) : Executive Director Development Services (R Fenn)

Disclosure of Interest : Nil

Previous Reference : OCM 16/09/03 - Item 11.4.1

Summary Recommendation : Sites for Sheds be Endorsed

Bulletin Attachment : Nil

Locality Plan : Nil

BACKGROUND

1. At the ordinary meeting in September, Council endorsed the Bush Fire Management Committees recommendation at item 7.2.8 which reads;

"THAT;

i) Council be requested to support in principle the relocation of the Goode Beach fire appliance from Whaleworld to a more central site in Goode Beach, to be identified by the SCVFBFB in consultation with Council staff, to improve the response capability of that unit.

ii) following an appropriate consultation process with Council on a suitable site, a request be forwarded to the Department of Planning and Infrastructure (Land Asset Management Services Branch) to excise an appropriate fire station site from an existing reserve in Goode Beach;

iii) Council’s Strategic Plan be altered to acknowledge the need for potential fire stations at Goode Beach, Cheynes Beach and Torbay (Torbay Hill) as identified in the Fire Prevention Plan report;

iv) forward financial planning be undertaken, through the ESL, to identify future fire stations requirements and funding be sought from those stations in a strategic manner."

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2. In early November, Council staff met with the Chief Bush Fire Control Officer, the Chairperson of the South Coast Volunteer Bush Fire Brigade, the President of the Frenchman Bay Association Inc., and several resident on-site in Goode Beach to identify a site for a fire station for the Goode Beach fire appliance. Those in attendance gave their preference to a site on the southern side of the intersection of Austin Road and Caledonia Road, within the Torndirrup National Park. A representative from CALM was unable to attend the meeting but acknowledged the site was well positioned to the residents of Goode Beach. If the site is to be used by Council, it would have to be excised from the National Park through the necessary statutory processes.

3. Representatives of the Manypeaks Volunteer Bush Fire Brigade conducted an investigation of available sites for the Cheynes Beach fire station and recommended a site on the northern side and adjacent to Cheynes Beach Road (directly opposite the roadway leading to the Cheynes Beach Caravan Park). That site adjoins a car park leading to a popular picnic spot on the Hassell Beach foreshore.

STATUTORY REQUIREMENTS

4. Both sites are located on Crown reserves and the respective reserve’s purpose do not provide for the construction of a fire station thereon. Under the management orders issued for the reserves, the responsible agency (the City for Cheynes Beach and the Conservation Commission for Goode Beach) must only allow the reserve to be used for the stated purpose for which it was created.

5. The alteration to the purpose of a reserve by the Department of Planning and Infrastructure can be a reasonably straightforward administrative process, provided the reserve is not a National Park, it has an “A class” classification or the Native Title claimants do not object to the change in purpose. In the case of the National Park, the Conservation Commission would also have to investigate the value of the area being excised and agree to the surrender of that part of the National Park, a process that may take up to 12 months to complete.

POLICY IMPLICATIONS

6. The City’s insurers have requested that all of the City’s insured assets be located on reserves set aside for the stated activity.

FINANCIAL IMPLICATIONS

7. The City may incur some site survey and statutory costs to identify the land parcels and staff would be seeking to recoup those costs under the Emergency Services Levy funding arrangements.
8. The City’s Fire Prevention Plan has identified that some communities are not well served by the current location of fire fighting appliances and a more strategic approach to the location of fire stations and actual appliances needs to be undertaken. The recommendation of the Bush Fire Management Committee acknowledges the need to take that strategic approach.

COMMENT/DISCUSSION

9. The proposed site at Goode Beach has been determined taking operational and aesthetic matters into consideration. All fire stations constructed by the City for appliances are two bay, colourbond steel clad sheds. The structures are purchased “off the shelf”, are of very basic design to minimise costs and they are surrounded by hard stand surfaces to accommodate both an assembly area for fire fighter’s vehicles and to withstand the manoeuvring of the heavy duty appliances.

10. Notwithstanding that the community representatives who attended the site inspection have endorsed this site, an area of approximately 1200sqm will need to be excised from the National Park and the regional office of the Department of CALM will need to also endorse the proposal, before it is forwarded to the Department of Planning and Infrastructure for actioning.

11. Council staff have inspected the proposed site at Cheynes Beach and are concerned with the potential fire risk and the potential for vandalism associated with the chosen site. The number of residents at Cheynes Beach fluctuates considerably during the year and any site chosen to house a fire appliance (valued between $70,000 and $280,000) needs to have appropriate levels of exposure and be appropriate for the purpose.

12. Staff consider a more appropriate site exists on the southern side of Cheynes Beach Road on a site previously surrendered as a “fishermen’s accommodation lease” and identified as lot 10, refer to plan following this report. This parcel of land is located between two fishermen’s residences and is still within view of the caravan park. It is however, separated from the public car parking area and the foreshore reserve where vandalism opportunities are increased.

RECOMMENDATION

THAT Council;

i) endorse the request to locate the proposed Goode Beach fire station within Reserve 21337, being portion of the Torndirrup National Park, on a 1200sqm site on the southern side of Austin Road at its junction with Caledonia Road and seek the approval of the Department of Conservation and Land Management and the Conservation Commission of WA to the site;
Item 11.2.1 continued

ii) upon receipt of the above approvals, forward a request to the Department of Planning and Infrastructure to excise the required land from Reserve 21337 for the future construction of a fire station and seek the management order for that reserve;

iii) endorse the use of fishermen’s accommodation lease number 10 as a possible site for the Cheynes Beach fire station and liaise with the Manypeaks Volunteer Fire Brigade on the use of that site; and

iv) request the Department of Planning and Infrastructure to amend the purpose of Reserve 878 to “Recreation Camping and Holiday Accommodation and Fire Station”.

Voting Requirement Simple Majority

………………………………………………………… ……………………………

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON

THAT Council;

i) endorse the request to locate the proposed Goode Beach fire station within Reserve 21337, being portion of the Torndirrup National Park, on a 1200sqm site on the southern side of Austin Road at its junction with Caledonia Road and seek the approval of the Department of Conservation and Land Management and the Conservation Commission of WA to the site;

ii) upon receipt of the above approvals, forward a request to the Department of Planning and Infrastructure to excise the required land from Reserve 21337 for the future construction of a fire station and seek the management order for that reserve;

iii) endorse the use of fishermen’s accommodation lease number 10 as a possible site for the Cheynes Beach fire station and liaise with the Manypeaks Volunteer Fire Brigade on the use of that site; and

iv) request the Department of Planning and Infrastructure to amend the purpose of Reserve 878 to “Recreation Camping and Holiday Accommodation and Fire Station”.

MOTION CARRIED 15-0
Item 11.2.1 continued
11.3 DEVELOPMENT POLICY

11.3.1 Contract C03032 – Housing Strategy Consultancy Services

File/Ward : C03032 (Breaksea, Frederickstown, Kalgan, Vancouver, West & Yakamia Wards)

Proposal/Issue : Consultancy services by public tender

Subject Land/Locality : Residential areas within the City

Proponent : City of Albany

Owner : Various

Reporting Officer(s) : Strategic Planning Officer (P Shephard)

Disclosure of Interest : Nil.

Previous Reference : Nil.

Summary Recommendation : That Council accept tender

Bulletin Attachment : Housing Strategy Outcomes

Locality Plan : Nil.

BACKGROUND

1. Tenders have been called from planning consultancy firms to undertake the preparation of a Housing Strategy to analyse and plan for the future growth of residential areas in Albany.

2. Five (5) consultancy firms provided tenders at the closure of the tender invitation period.


STATUTORY REQUIREMENTS

4. The tendering process for goods and services must be in accordance with the requirements of the Local Government (Functions and General) Regulations 1996.
Item 11.3.1 continued

5. Regulation 18 requires that Council undertake a written evaluation of the accepted
tenders against the evaluation criteria contained in the tender invitation, and is
required to:
a) decide which of the tenders would be the most advantageous to Council,
or
b) may decline to accept any tender.

POLICY IMPLICATIONS

6. Two (2) of the tenderers (Ayton Taylor Burrell and Harley Survey Group Pty Ltd)
are Albany based planning consultancies and the provisions of the City’s Buy Local
Policy (Regional Price Preference) have been incorporated into the evaluation
scoring.

FINANCIAL IMPLICATIONS

7. The following table summarises the tender bid prices (including GST) submitted by
the consultants to complete the brief:

<table>
<thead>
<tr>
<th>CONSULTANCY</th>
<th>CONSULTANCY COST (inc. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thompson McRobert Edgeloe Pty Ltd</td>
<td>$60,214</td>
</tr>
<tr>
<td>Ayton Taylor Burrell</td>
<td>$54,371</td>
</tr>
<tr>
<td>(Under Buy Local Policy)</td>
<td></td>
</tr>
<tr>
<td>GHD Pty Ltd</td>
<td>$58,493.10</td>
</tr>
<tr>
<td>Harley Survey Group Pty Ltd</td>
<td>$54,000</td>
</tr>
<tr>
<td>(Under Buy Local Policy)</td>
<td></td>
</tr>
<tr>
<td>SJB Town Planning &amp; Urban Design</td>
<td>$52,250</td>
</tr>
</tbody>
</table>

8. Funding for the Housing Strategy has been included within the 2003/2004 Budget.

STRATEGIC IMPLICATIONS

9. The Housing Strategy will review the proposals contained in the draft Albany Local
Planning Strategy and provide guidance for the new Community Planning Scheme.

COMMENT/DISCUSSION

10. The invitation for tenders was published in the West Australian, Albany Advertiser
and Albany Weekender for approximately 5 weeks, which closed on 5th December
2003.

11. The tender document included the Evaluation Criteria to evaluate and score the
individual tenders. This method (using weighted attributes) determines a score
against each of the evaluation criteria, which is weighted on their importance to
determine an overall point score for each tenderer.
Item 11.3.1 continued

12. The Evaluation Criteria are:

A Understanding of the Brief 15%

- Demonstrated appreciation of the issues involved
- Demonstrated appreciation of the tasks involved
- Consultant’s vision for the project and overall strategy outcomes

The consultant is required to show that they understand the overall project, the issues to be addressed, tasks involved and outcomes required for use in a town planning context both in a statutory and strategic environment.

B Technical Capability 25%

- Full details of technical capacity of the consultants and team members, their qualifications, relevant skills, experience and role on the project (including CV’s)
- Details on necessary skill and experience in projects relevant to this study
- Ability of consultant to demonstrate capacity to prepare a concise and easily read report

The consultant is required to demonstrate that they are able to undertake the project in an appropriate manner, achieve community ownership and deliver a well-researched report and an acceptable planning outcome for the Albany community.

C Method of Approach to Prepare the Plan 25%

- Details on proposed approach to the Strategy
- How community consultation will be incorporated into the project (eg. public meetings, dealing with stakeholder enquiries, amount of time spent in Albany, handling submissions etc.)
- Details on methods and number of briefings to staff, Councillors
- Details on methods of consultation with public, stakeholders etc.
- Relevant experience of working with stakeholder groups, public and local government
- Evidence of success of proposed methodology in a similar consultancy

The consultant is required to demonstrate that they are able to undertake this project in an open and consultative manner that will achieve community ownership of the outcomes.
D Experience in Projects of a Similar Nature 10%

- Experience in preparing Housing Strategies, analysing data and addressing local housing needs
- Details of other similar projects completed
- Demonstrated ability to deliver project on time

The consultant is required to demonstrate that they have the capacity and experience to complete the project.

E Value for Money 10%

- Overall price (including incidental and sundry costs [eg. travel, accommodation etc.])
- Cost estimate for the project including details of specific tasks/hour allocation for each team member

Whilst least cost is important, the assessment of the submission is done on a value for money basis and that the offer with the lowest price will not necessarily, be selected.

F Required Input from Council Staff/Project Autonomy 10%

- Details on the amount of staff input required
- Ability of consultant to work independently of Council staff
- Number of meetings to be held between consultant team and Council staff during project
- Frequency of reporting to Project Manager

The consultant is expected to undertake the project in a manner that whilst providing regular reports to appropriate staff member, the project will not unduly affect officers’ workloads.

13. Following the opening of the tenders, the Executive Director Development Services, Manager Development Services, Strategic Planning Officer and Policy Planning Officer carried out the tender evaluation against the evaluation criteria as required.

14. The following table contains the individual evaluation scores of the respective consultancies based upon the detail provided in the tender documents:

<table>
<thead>
<tr>
<th>CONSULTANCY</th>
<th>EVALUATION SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thompson McRobert Edgeloe Pty Ltd</td>
<td>71</td>
</tr>
<tr>
<td>Ayton Taylor Burrell</td>
<td>63</td>
</tr>
<tr>
<td>GHD Pty Ltd</td>
<td>65</td>
</tr>
<tr>
<td>Harley Survey Group Pty Ltd</td>
<td>66</td>
</tr>
<tr>
<td>SJB Town Planning &amp; Urban Design</td>
<td>78</td>
</tr>
</tbody>
</table>
15. Following assessment of the tenders, the Thompson McRobert Edgeloe Pty Ltd (TME) and SJB Town Planning and Urban Design (SJB) tenders were shown to be superior and having the best overall capacity to complete the project.

16. A thorough check of the references for TME and SJB was undertaken and whilst both tenders had strengths and weaknesses, staff consider the tender submitted by SJB to be the most advantageous to Council, subject to clarification on public liability insurance coverage.

17. The consultancy is anticipated to take six (6) months to complete.

RECOMMENDATION

THAT Council award Contract C03032 – ‘Housing Strategy (Density and Development Control)’ Consultancy Services to SJB Town Planning and Urban Design for a consultancy fee of $52,250 (including GST) subject to written clarification on the amount of public liability insurance coverage in accordance with the tender brief.

Voting Requirement Absolute Majority

Moved Councillor Demarteau
Seconded Councillor Emery

THAT Council award Contract C03032 – ‘Housing Strategy (Density and Development Control)’ Consultancy Services to SJB Town Planning and Urban Design for a consultancy fee of $52,250 (including GST) subject to written clarification on the amount of public liability insurance coverage in accordance with the tender brief.

Motion Carried 15-0
Absolute Majority
11.3.2 Initiate Scheme Amendment – Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove

File/Ward : A36459A (Vancouver Ward)

Proposal/Issue : Initiate Amendment to rezone Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove from the ‘Rural’ to ‘Special Rural’.

Subject Land/Locality : Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove

Proponent : Ayton Taylor Burrell

Owner : D & EA Buchanan

Reporting Officer(s) : Planning Officer – Policy (R Hindley)

Disclosure of Interest : Nil

Previous Reference : OCM 20/5/2003 – Item 11.3.2

Summary Recommendation : Initiate Amendment subject to modification

Bulletin Attachment : Amendment Document

Locality Plan :
BACKGROUND

1. At its meeting of the 20th May 2003 Council resolved:

“THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Loc 109 Frenchman Bay Road, Big Grove from ‘Rural’ to ‘Special Rural’ subject to the Scheme Amendment addressing the following, to the satisfaction of Council;

i) preparation of a coastal foreshore management plan;

ii) preparation of a fire management plan;

iii) a land capability assessment is required to demonstrate the sites suitability for on-site effluent disposal and housing and roads;

iv) preparation of a structure plan covering the area bounded by Princess Royal Harbour to the north, Frenchman Bay Road to the south, Panorama Road to the west and Reserve 930 to the east showing the special rural subdivision and how this will relate to the eventual residential subdivision of the precinct; and

v) clear evidence in the structure planning process that the requirements of the West Australian Planning Commission and the Department of Environment, Water and Catchment Protection coastal planning policies and guidelines have been considered and incorporate into the design.”

2. The applicant has prepared amendment documents to rezone the site from the ‘Rural’ zone to ‘Special Rural’ zone. A copy of the amendment is included within the Elected Members Report/Information Bulletin.

3. The amendment includes a development guide plan and a structure plan for the eventual development of the precinct as required by Council’s resolution.

4. The proposal includes 3 addition lots being lots 1, 2 and 16 Frenchman Bay Road. Each of these lots is contained within the precinct area.

STATUTORY REQUIREMENTS

5. Council’s resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 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 various policies and strategies that have relevance to this proposal. They include:
   - The State Planning Strategy
   - The Western Australian Planning Commission Statement of Planning Policy No. 1 (SPP 1)
   - The Albany Regional Strategy (1994)
   - The Local Rural Strategy (1996)
   - Draft Local Planning Strategy (2001)

10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

11. The subject site is located within Precinct 10 of the City’s Local Rural Strategy. The policy statement for this precinct states:

   “Council will not support any significant development or any subdivision within this Precinct until further study is undertaken as part of the new Town Planning Scheme.”

12. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

14. As the proposal rezones several areas of land and provides a guide plan over the remainder of the land within a defined cell it is considered it will not set a precedent for other spot rezonings.

COMMENT/DISCUSSION

15. The applicant referred a copy of the proposal to the Department of Environment for preliminary comment. The major issues raised in response to this referral were:

   - The location of the foreshore reserve does not appear to reflect the extent of wetland vegetation;
   - Public access needs to be addressed;
   - Building envelopes should be located in existing cleared areas; and
   - Consideration needs to be given to effluent disposal.
Item 11.3.2 continued

16. The Department of Environment has indicated that it may require modification of the Amendment to reflect a revised foreshore area.

17. The proposed foreshore reserve matches that already set aside in the Scheme with several areas of this already being held by the Crown.

18. The proposed foreshore reserve will facilitate public access through the provision of a dual use path as identified in the Albany Harbours Dual Use Path Planning Strategy.

19. The applicant has prepared a foreshore management plan and it has been included within the amendment documentation.

20. The applicant has prepared a fire management plan and it has been included within the amendment documentation.

21. Precinct 10 of the Local Rural Strategy was created to prevent ad-hoc development within the precinct area. The structure plan will assist in coordinating development.

22. The structure plan shows the proposed subdivision design (for both Special Rural and Residential development) on the subject lots. The plan also provides detail on the layout of the remainder of the precinct with reference being given to its longer term potential for residential subdivision.

23. The document has not addressed the issues raised by the Department of Environment in response to the earlier Scheme Amendment Request that was considered by Council at its May 2003 meeting. Subject to those issues being addressed it is recommended that the amendment be initiated.

RECOMMENDATION

THAT subject to modification in accordance with Department of Environment advice, 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 No. 3 by:

i) removing Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove from the ‘Rural’ zone;

ii) including Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove within the ‘Special Use Zone No. 15’ zone; and

iii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority
Item 11.3.2 continued.

MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WOLFE

THAT subject to modification in accordance with Department of Environment advice, 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 No. 3 by:

a. removing Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove from the ‘Rural’ zone;
b. including Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove within the ‘Special Use Zone No. 15’ zone; and
c. amending the Scheme Maps accordingly.

MOTION CARRIED 13-2

The Executive Director Development Services informed Council that points 15 and 23 had been satisfied.
11.3.3 Development Guide Plan – 70 - 88 Albany Highway, Centennial Park

<table>
<thead>
<tr>
<th>File/Ward</th>
<th>STR 018 (Frederickstown Ward)</th>
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<tbody>
<tr>
<td>Subject Land/Locality</td>
<td>Lot 1274 (70-88) Albany Highway, Centennial Park</td>
</tr>
<tr>
<td>Proponent</td>
<td>BSD Consultants</td>
</tr>
<tr>
<td>Owner</td>
<td>Macquarie Asset Services Ltd</td>
</tr>
<tr>
<td>Reporting Officer(s)</td>
<td>Planning Officer (Policy) (R Hindley)</td>
</tr>
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<td>Disclosure of Interest</td>
<td>Nil</td>
</tr>
<tr>
<td>Previous Reference</td>
<td>OCM 18/11/2003 – Item 11.3.6</td>
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<tr>
<td>Summary Recommendation</td>
<td>The Development Guide Plan be Adopted</td>
</tr>
<tr>
<td>Bulletin Attachment</td>
<td>Submissions</td>
</tr>
<tr>
<td>Locality Plan</td>
<td>![Locality Plan Image]</td>
</tr>
</tbody>
</table>
Item 11.3.3 continued

**BACKGROUND**

1. At its meeting dated 18 November 2003 Council reviewed the draft ‘Development Guide Plan’ for the former Albany Primary School site and resolved:

   “THAT Council, adopts the ‘Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park’ and agrees to advertise it as a policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A.”

2. The amended policy was advertised for comment for a period of 21 days, three submissions were received in this period.

**STATUTORY REQUIREMENTS**

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

   (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.

   (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.

   (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.

4. Appendix II – Schedule of Special sites lists the subject site as Special Site Number 36. As a condition of development a Development Guide Plan is to be prepared which addresses:

   - The proposed mix, extent and layout of land uses and the layout of movement systems;
   - Consideration of provision of linkages to the adjoining Albany Plaza;
   - Traffic impact and location of vehicular access points;
   - Preparation of design guidelines by a suitably qualified heritage professional in consultation with the Heritage Council that address the Conservation Plan, building scale, form and materials, and the relationship to the residential area on the northern side of Moir Street;
   - Proposed subdivision (if any) of the site;
Item 11.3.3 continued

- Incorporation of an impact assessment in accordance with section 11.5 of the Albany Commercial Centres Strategy of January 1994 (these impact will be considered in the assessment of the DGP and modifications to the DGP may be required as a result); and
- Such other matters as considered appropriate by Council.

5. The Development Guide Plan is to be approved by the Western Australian Planning Commission, in addition to its adoption by the City, before any subdivision or development can occur.

POLICY IMPLICATIONS

6. The Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A.

FINANCIAL IMPLICATIONS

7. Council is required to also advertise the adoption of the policy in a local newspaper at its own cost.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. The Scheme outlines the factors that need to be considered in developing a Development Guide Plan.

10. The plan that has been submitted shows the proposed mix, extent and layout of land uses and the layout of movement systems.

11. The proposed uses are considered ‘P’ or permitted uses under the provisions of Town Planning Scheme No. 1A.

12. The special conditions for the development of the site make reference to the inclusion of an economic impact assessment prepared in accordance with the requirements of Section 11.5 of the Albany Commercial Centres Strategy 1994. The proponent has supplied this statement and it meets this requirement.

13. The proposed development guide plan shows two new access points to the undercover car park in Albany Plaza with an access point on each level of the car park. A new pedestrian access point is also proposed in the Albany Plaza building towards the south of the site.

14. A traffic management plan was prepared for the proposed development and was the subject of a peer review by Opus International Consultants Limited. This review made a series of recommendations which have been addressed in the final plan.
Item 11.3.3 continued

15. A report has been prepared by the proponent supporting the design of the proposed development. The report outlines the commercial rationale for the orientation of the centre towards the parking area adjacent Albany Highway.

16. The WAPC raised several comments in particular the interface with the Moir Street frontage. Whilst it is recognised that in the short term the development may not be considered to be of a residential scale it is envisaged that a greater intensity of development may be suitable for this adjoining land thus negating this concern.

17. The WAPC requested that consideration be given to creating public access through the site as an alternative to the York Street/Albany Highway Roundabout. The original traffic management plan showed such a linkage but it was removed as it was considered that a straight through link road should be rejected to avoid the creation of a major traffic route through the site.

18. A submission was received from Chris and Alice King, the owners of the GWN Building, objecting to the proposed development. The following is a summary of the concerns that were raised:
   • Major commercial site that should be developed to a high standard;
   • The proposed development is low quality;
   • Concern over adjoining residential development;
   • Access is poor;
   • The development is incorrectly orientated and should incorporate decked car parking;
   • The 1915 Albany Primary School does not have heritage significance and should not have been retained; and
   • Development is unsuitable as this is the largest remaining commercial site in the northern area of the CBD.

19. It was also acknowledged in this submission that any development must be economically viable.

20. The majority of arguments put forward in this submission are related to comments on the quality of the development. It is considered that personal comments relating to the quality of development remain subjective. The applicant demonstrated in their report that the proposed design is viable and best serves the commercial needs of any tenants.

21. The comments relating to the retention of the 1915 portion of the Albany Primary School fail to acknowledge the listing of the site by the State. The retention of the 1915 portion of the school was a requirement of the Heritage Council of WA.

22. With the listing of the Primary School building on the State Register, the development guide plan was referred to the Heritage Council for comment. The Heritage Council had no objection to the proposed development guide plan. A copy of this, along with the other submissions, are contained in the Elected Members Report/Information Bulletin.
Item 11.3.3 continued

23. Development of the site cannot proceed until the ‘Development Guide Plan’ has been endorsed by both Council and the Western Australian Planning Commission.

RECOMMENDATION

THAT Council;

i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to adopt the ‘Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park’ as a Town Planning Scheme policy and advertise as such in accordance with the Scheme;

ii) forward the adopted policy to the Western Australian Planning Commission for endorsement along with a covering letter showing support for the proposal; and

iii) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A delegate to the Manager of Development Services authority to issue a conditional Planning Scheme Consent for development in accordance with the Development Guide Plan.

Voting Requirement Simple Majority

Councillor Barton declared an interest in this item and left the Chambers at 8.35pm. The nature of her interest is that she is an employee at Coles.

MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR LIONETTI

THAT Council;

i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to adopt the ‘Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park’ as a Town Planning Scheme policy and advertise as such in accordance with the Scheme;

ii) forward the adopted policy to the Western Australian Planning Commission for endorsement along with a covering letter showing support for the proposal; and

iii) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A delegate to the Manager of Development Services authority to issue a conditional Planning Scheme Consent for development in accordance with the Development Guide Plan.

MOTION CARRIED 14-0

Councillor Barton returned to the Chambers at 8.36pm.
11.3.4 Scheme Amendment Request – Lot 21 Two Peoples Bay Road, Kalgan

File/Ward : A3434A1 (Kalgan Ward)

Proposal/Issue : Preliminary request to rezone Lot 21 Two Peoples Bay Road, Kalgan from ‘Rural’ to ‘Special Site Zone – Caravan Park’

Subject Land/Locality : Lot 21 Two Peoples Bay Road, Kalgan

Proponent : Dykstra & Associates

Owners : JR & LF Boon

Reporting Officer(s) : Planning Officer – Policy (R Hindley)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Support the request

Bulletin Attachment : Scheme Amendment Request

Locality Plan :
Item 11.3.4 continued

BACKGROUND

1. An application was received from Dykstra & Associates seeking Council’s preliminary support to rezone Lot 21 Two Peoples Bay Road, Kalgan from ‘Rural’ to ‘Special Site Zone – Caravan. A copy of the applicant’s proposal is contained in the Elected Members Report/Information Bulletin.

2. The application seeks to facilitate the extension of an existing 10 site caravan park. The proposal outlines a first stage of expansion which includes an additional 8 sites. No details are given of any further expansion. The subject land has an area of approximately 16 hectares.

STATUTORY REQUIREMENTS

3. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. 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.

4. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

5. There are various policies and strategies that have relevance to this proposal. They include:
   • The State Planning Strategy;
   • Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
   • The Albany Regional Strategy (1994);
   • The Local Rural Strategy (1996); and
   • Draft Local Planning Strategy (2001).

6. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

7. The subject site is located within Eastern Coastal Precinct 2 of the City’s Local Rural Strategy. The policy statement for this precinct states that land use proposal are to be determined in accordance with the general policies.

8. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.
FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The proposed rezoning represents a spot rezoning, which would normally be opposed on the basis of orderly planning, however in this instance the proposal represents the extension of an existing tourism orientated activity.

COMMENT/DISCUSSION

11. A copy of the proposal was referred to the Western Australian Planning Commission. The major issues and concerns that were identified include:

- Need for proper servicing;
- Visual amenity is a concern with relation to the entry road to the national park;
- Safe access and egress; and
- Existing vegetation should be retained and there may be a need for additional planting around the southeast corner of the lot.

12. The proposed rezoning would incorporate the entire 16 hectares site. The proposal outlines an additional first stage of 8 bays to be developed adjacent to the existing vans. No details have been provided on the remainder of the proposed development.

13. The SAR seeks to gain support for the rezoning of the land from ‘Rural’ to ‘Special Site Caravan Park’. The proposed zone only has limited controls within the scheme and is not considered adequate in this instance.

14. A “Special Use” zone created under Schedule 3 and with associate special conditions provides a much better framework for controlling development on the site.

15. A development guide plan would then be required to show the full extent of proposed development on the site.

16. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.
Item 11.3.4 continued

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 21 Two Peoples Bay Road, Kalgan from ‘Rural’ to ‘Special Use Zone’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:

i) detailed Land Capability Assessment;
ii) provision of a potable water supply;
iii) preparation of a Development Guide Plan;
iv) preparation of a Fire Management Plan;
v) protection of remnant vegetation; and
vi) visual amenity (including built form and signage controls).

Voting Requirement Simple Majority

MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EMERY

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 21 Two Peoples Bay Road, Kalgan from ‘Rural’ to ‘Special Use Zone’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:

i) detailed Land Capability Assessment;
ii) provision of a potable water supply;
iii) preparation of a Development Guide Plan;
iv) preparation of a Fire Management Plan;
v) protection of remnant vegetation; and
vi) visual amenity (including built form and signage controls).

MOTION CARRIED 15-0
11.3.5 Commercial Strategy for Albany

File/Ward : STR 015 (Kalgan, Breaksea, Yakamia, West, Vancouver, Frederickstown Wards)

Proposal/Issue : Review of Commercial Strategy

Subject Land/Locality : Various lots

Proponent : City of Albany

Owner : N/A

Reporting Officer(s) : Executive Director Development Services (R Fenn)

Disclosure of Interest : Nil

Previous Reference : OCM 16/12/03 - Item 11.3.2

Summary Recommendation : Review Commercial Strategy Document

Bulletin Attachment : Nil

Locality Plan :

BACKGROUND

1. The Western Australian Planning Commission prepared the Albany Commercial Strategy 1994 to provide a framework for the development of commercial activity in Albany based upon retail modelling principles used in the Perth metropolitan area. Competition amongst suburbs and the former Town and Shire Councils to secure neighbourhood shopping facilities, plus the City’s first discount department store, was seen as a primary motivator for the Commission to prepare the strategy.

2. The City of Albany gained Commission approval in 1999 to undertake a review of the strategy. The Review of Albany Commercial Strategy 2000 report was produced and adopted by both the City and the Commission to replace the previous document, allowing for greater definition between the impacts of food and non-food retailing activities on current and future shopping facilities.

3. Albany’s first discount department store was constructed in 2000, the zoning has now been put in place for neighbourhood shopping facilities at Orana, Oyster Harbour and Catalina and the relevant scheme provisions relating to commercial development have been amended to provide consistency. Additional showroom developments have also been built in the City since the review document was prepared and adopted.

4. Council received a briefing from three independent planners, each with unique retail planning experience within Australia, on the 25th November 2003 and the outcomes of the workshop session held thereafter were recorded by Estill and Associates P/L.
ORDINARY COUNCIL MEETING MINUTES – 20/01/04

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

STATUTORY REQUIREMENTS

5. Under the State Planning Framework, reflected in Statement of Planning Policy 1, “all existing state and regional policies, strategies and guidelines are united within a central framework which provides a context for decision-making on land use and development in Western Australia. The framework informs the Commission, local government and others involved in the planning process on those aspects of state level planning policy which are to be taken into account and given effect to in order to ensure integrated decision-making across all spheres of planning.”

6. The State Planning Framework indicates the primary policies and strategies used by the Western Australian Planning Commission and the Department of Planning and Infrastructure in making decisions. The framework can only be amended by the introduction of a new policy or strategy (including an adopted local authority planning strategy) to supersede an existing policy or strategy.

POLICY IMPLICATIONS

7. The current Review document has been adopted by Council as a policy document pursuant to the City’s Town Planning Schemes.

FINANCIAL IMPLICATIONS

8. Council has no budget allocation to review the existing strategic documents of the Commission relating to commercial developments in Albany. To undertake such a review would involve some additional retail modelling and the preparation of a strategic document which could be considered independent of the current Albany Local Planning Strategy planning process (allowing projects to be considered during the interim period) and ultimately incorporated into the ALPS (not expected to be approved until early 2006).

9. The preparation of such a strategy has been estimated to cost in the vicinity of $30,000 to $45,000 depending upon the requirements that the WAPC may impose upon the task.

STRATEGIC IMPLICATIONS

10. Until the Albany Local Planning Strategy is completed and adopted by the WAPC, the existing State Planning Framework (SPP1) will guide the Commission’s decision-making on amendments to the existing Town Planning Schemes submitted by Council.

COMMENT/DISCUSSION

11. A preliminary letter has been forwarded to the Department of Planning and Infrastructure, for submission to the WAPC, requesting feedback on the ability of Council to further review the Albany Commercial Strategy. With the Xmas and New Year break it was not expected that a response to that inquiry would be received prior to the January Council meeting.
Item 11.3.5 continued

12. The planning officers in the Strategic Planning unit have substantial workloads already dealing with the Yakamia Structure Plan, Defining Central Albany, Housing Strategy and Ethnographic consultancies, as well as being involved in the Great Southern Regional Plan review, preparation of ALPS and the District Scheme documentation. Nonetheless, Council has indicated that it considers this project a matter of high priority and, provided funding can be secured, arrangements will be made to secure the internal resources needed to progress this task.

13. Only a small number of planning consultancies in Western Australia have the capacity and experience to undertake such a review. The recommendations contained in the current Albany Commercial Strategy 1994 and the City’s Review (2000) have been largely achieved and both documents now face the risk of becoming outdated. Council must now determine what priority it places on a review of those documents and where the work fits into the Albany Local Planning Strategy process.

RECOMMENDATION

THAT Council staff be instructed to prepare a brief for a review of the Albany Commercial Strategy and that selective quotations be sought from competent Planning Consultancy firms to undertake the review.

Voting Requirement Simple Majority

MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON

THAT Council staff be instructed to prepare a brief for a review of the Albany Commercial Strategy and that selective quotations be sought from competent Planning Consultancy firms to undertake the review.

MOTION CARRIED 15-0

THAT $45,000 be provided from within the third quarterly budget review process to undertake a Review of the Albany Commercial Strategy.

Voting Requirements Absolute Majority

MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EMERY

THAT $45,000 be provided from within the third quarterly budget review process to undertake a Review of the Albany Commercial Strategy.

MOTION CARRIED 15-0

ABSOLUTE MAJORITY
11.3.6 Scheme Amendment Request – Lots 22 and 23 Lancaster Road, McKail

File/Ward : A63602A (West Ward)

Proposal/Issue : Preliminary request to rezone Lots 22 and 23 Lancaster Road, McKail from ‘Rural’ to ‘Special Rural’

Subject Land/Locality : Lot 22 and 23 Lancaster Road, McKail

Proponent : Grey & Lewis Planning Consultants

Owners : FB & WVE Peters (Decd)

Reporting Officer(s) : Planning Officer – Policy (R Hindley)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Support the request.

Bulletin Attachment : Scheme Amendment Request

Locality Plan : 

![Locality Plan Image]
Item 11.3.6 continued

BACKGROUND

1. An application was received from Gray & Lewis Planning Consultants seeking Council’s preliminary support to rezone Lots 22 and 23 Lancaster Road, McKail from ‘Rural’ to ‘Special Rural’. A copy of the applicant’s proposal is contained in the Elected Members Report/Information Bulletin.

2. The application seeks to facilitate the creation of rural residential lots ranging in size with all lots having a minimum of 2 hectares. The land subject to this request has an area of 24.3 hectares.

STATUTORY REQUIREMENTS

3. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. 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.

4. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

5. There are various policies and strategies that have relevance to this proposal. They include:
   - The State Planning Strategy;
   - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
   - The Albany Regional Strategy (1994);
   - The Local Rural Strategy (1996); and

6. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

7. The subject site is located within Torbay 2 Precinct of the City’s Local Rural Strategy. The policy statement for this precinct states that the area may be rezoned to special rural with appropriate zoning provisions based on the constraints and management needs of the land.

8. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

FINANCIAL IMPLICATIONS

9. There are no financial implications relating to this item.
Item 11.3.6 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

11. A copy of the proposal was referred to the Western Australian Planning Commission. The major issues and concerns that were identified include:
   • The proposal is consistent with the recommendations for Torbay precinct 2 in the City’s Local Rural Strategy.
   • The structure plan developed under Amendment No. 175 may need to be reviewed – in particular with relation to setbacks and linkages to Link Road;
   • Appropriate measure to ensure residential amenity from the potential adverse impacts of the Speedway and proposed ring road; and
   • Advised that although the SAR refers to connection to the existing overhead power system Western Power has required undergrounding on lots less than 10 ha in area.

12. The applicant referred the proposal to Main Roads Western Australia and the Water Corporation. The major issues and concerns that were identified include:
   • Access is to be restricted to Lancaster Road;
   • There may be a land requirement of 40m along the link road frontage for the proposed Ring Road alignment;
   • Prospective purchasers need to be made aware of the possible land requirements; and
   • The subject site is not impacted on by the odour buffer of the nearby Albany Wastewater Treatment Plant.

13. The Precinct Structure Plan adopted with Amendment No. 175 states:

   ‘The aim of this Precinct Structure Plan is to guide proposals for rezoning, subdivision and development of that land within the study area.’

This plan is non statutory in nature and provides only a broad overview of issues to be addressed. The plan recognises that more detailed assessment and design will be required as the part of any rezoning applications in line with future land use pressures and activities.

14. The land is adjacent to Link Road and there may be a requirement for land by Main Roads Western Australia for the Albany Ring road. The SAR has identified this issue and the subdivision design is to accommodate any such requirement.

15. The northern portion of the site is contained within the Conditional Area as identified in the draft Speedway Buffer Policy. The siting of building envelopes or alternatively design requirements may be required to comply with the policy requirements.
Item 11.3.6 continued

16. The applicant has identified that a Land Capability and Environmental Management Report will be prepared to address all the issues relating to the existing environment, land capability, geotechnical factors and the environmental management of the land.

17. It has been identified that should this SAR be supported appropriate management measures will be established such as building envelopes, land use controls, revegetation and the like.

18. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lots 22 and 23 Lancaster Road, McKail from ‘Rural’ to ‘Special Rural’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:

i) detailed land capability assessment;
ii) servicing details and arrangements;
iii) Development Guide Plan;
iv) Fire Management Plan; and
v) Revegetation Plan.

Voting Requirements Simple Majority

………………………………………………………………………………………………

MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WOLFE

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lots 22 and 23 Lancaster Road, McKail from ‘Rural’ to ‘Special Rural’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:

i) detailed land capability assessment;
ii) servicing details and arrangements;
iii) Development Guide Plan;
iv) Fire Management Plan; and
v) Revegetation Plan.

MOTION CARRIED 15-0
### 11.3.7 Scheme Amendment Request – Pt Lot 39 Catalina Road, Lange

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<tr>
<th>File/Ward</th>
<th>A67290A (Yakamia Ward)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal/Issue</td>
<td>Preliminary request to rezone Pt Lot 39 Catalina Road, Lange from ‘Rural’ to ‘Residential Development’</td>
</tr>
<tr>
<td>Subject Land/Locality</td>
<td>Pt Lot 39 Catalina Road, Lange</td>
</tr>
<tr>
<td>Proponent</td>
<td>Taylor Burrell Barnett</td>
</tr>
<tr>
<td>Owners</td>
<td>KingOpen Pty Ltd</td>
</tr>
<tr>
<td>Reporting Officer(s)</td>
<td>Planning Officer – Policy (R Hindley)</td>
</tr>
<tr>
<td>Disclosure of Interest</td>
<td>Nil</td>
</tr>
<tr>
<td>Previous Reference</td>
<td>Nil</td>
</tr>
<tr>
<td>Summary Recommendation</td>
<td>Decline the request.</td>
</tr>
<tr>
<td>Bulletin Attachment</td>
<td>Scheme Amendment Request</td>
</tr>
</tbody>
</table>

**Locality Plan:**

![Map of Pt Lot 39 Catalina Road, Lange](image-url)
Item 11.3.7 continued

BACKGROUND

1. An application was received from Taylor Burrell Barnett seeking Council’s preliminary support to rezone Pt Lot 39 Catalina Road, Lange from ‘Rural’ to ‘Residential Development’. A copy of the applicant’s proposal is contained in the Elected Members Report/Information Bulletin.

2. The application seeks facilitate the development of the site for residential lots between 400m² and 700m² in area. These lots sizes represent a variation in density of between R15 and R25 across the site.

STATUTORY REQUIREMENTS

3. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. 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.

4. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

5. There are various policies and strategies that have relevance to this proposal. They include:
   • The State Planning Strategy;
   • Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
   • The Albany Regional Strategy (1994);
   • The Local Rural Strategy (1996); and
   • Draft Local Planning Strategy (2001).

6. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

7. The subject site is located within Oyster Harbour Precinct 1 of the City’s Local Rural Strategy. The policy statement for this precinct indicates that the future use of land in this area will be for residential purposes.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. The proposed rezoning has the potential to set a precedent for other spot rezonings, which are opposed on the basis of orderly planning.
Item 11.3.7 continued

**COMMENT/DISCUSSION**

10. A copy of the proposal was referred to the Western Australian Planning Commission. The major issues and concerns that were identified include:
   - The land proposed for residential development is not included in the area covered by the Catalina Central Structure Plan;
   - The land is in Cell C of the Yakamia Structure Plan which is yet to be subject to detailed design;
   - Any development of the site will need to take into account open space linkages between Catalina Central, Yakamia Creek and Oyster Harbour;
   - The Residential Development Zone cannot address the site constraints and a more definite zone may be required.

11. Whilst the proposed residential design has been shown on the Catalina Central Structure Plan it was outside of the structure plan area. Even though the design was shown on the Catalina Central Structure Plan it was never formally considered as part of that plan.

12. A structure plan is currently being prepared for Cells A and B of Yakamia; this site is not included within this area.

13. Should this rezoning proceed there is potential that it will negatively impact on the establishment of a development front within Cells A and B of Yakamia. Detailed planning is currently being undertaken in this area.

14. There is potential for conflict between residential development and the adjacent commercial uses.

15. The proposed use is significantly different from the permitted uses on the surrounding ‘Rural’ zoned land, which may create the potential for land use conflict.

16. Whilst the servicing that is commonly associated with isolated residential cells can be overcome, there is a significant issue with the ability of the proposed development to link into future residential development that may occur.

17. Based on advice received from the Department for Planning and Infrastructure, as well as an assessment made by Council Officers, it is considered that the proposal is not acceptable and that Council should advise the applicant accordingly.

**RECOMMENDATION**

THAT Council advise the applicant that it is not prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Lot 39 Catalina Road, Lange from ‘Rural’ to ‘Residential Development’.

Voting Requirements Simple Majority
Councillor Williams declared an interest in this item and left the Chambers at 8.37pm. The nature of her interest is she owns property within the vicinity.

MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DEMARTEAU

THAT Council lay this matter on the table until the February meeting of Council.

MOTION CARRIED 11-3

Reason:

- By deferring this item an opportunity will be provided for the proponents and Council staff to discuss this matter further, thereby allowing additional information to be brought forward to assist in the decision making.

Councillor Williams returned to the Chambers at 8.41pm.
11.4 DEVELOPMENT SERVICES COMMITTEES

11.4.1 Bushfire Management Committee Minutes – 26th November 2003

File/Ward : MAN 089 (All Wards)
Proposal/Issue : Committee items for Council consideration
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Summary Recommendation : That the minutes of the Bushfire Management Committee held on 26th November 2003 be adopted.

Confirmation of the minutes of the Bushfire Management Committee of 26th November 2003.

RECOMMENDATION
THAT the minutes of the Bushfire Management Committee held on 26th November 2003 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items be moved.

Item 7.2.1
THAT Council;
i) include the requests from brigades in the 2004/05 Emergency Services Levy submission.

Item 7.2.2
THAT Council endorse;
i) Brigades determine their own callout procedure to suit their particular circumstances;

ii) Brigades wanting to use pagers for the initial callout should advise the City’s Administration Officer Bushfire in writing and include the appropriate selcall numbers;

Item 7.2.4
THAT Council endorse;
i) There be an option for brigades to use either the diesel / petrol or kerosene mix.

Voting Requirement Simple Majority

........................................................................................................................................................................
MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN

RECOMMENDATION
THAT the minutes of the Bushfire Management Committee held on 26th November 2003 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items be moved.

Item 7.2.1
THAT Council;
i) include the requests from brigades in the 2004/05 Emergency Services Levy submission.

Item 7.2.2
THAT Council endorse;
i) Brigades determine their own callout procedure to suit their particular circumstances;

ii) Brigades wanting to use pagers for the initial callout should advise the City’s Administration Officer Bushfire in writing and include the appropriate selcall numbers;

Item 7.2.4
THAT Council endorse;
i) There be an option for brigades to use either the diesel / petrol or kerosene mix.

MOTION CARRIED 15-0
Corporate & Community Services

REPORTS
12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward : FIN 022 (All Wards)

Proposal/Issue : N/A

Subject Land/Locality : N/A

Proponent : N/A

Owner : N/A

Reporting Officer(s) : Manager of Finance (S Goodman)

Disclosure of Interest : Nil.

Previous Reference : N/A

Summary Recommendation : Approve accounts for payment

Bulletin Attachment : Summary of Accounts

Locality Plan : N/A

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is included in the Councillors Report/Information Bulletin and contains the following:-

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Fund</td>
<td></td>
</tr>
<tr>
<td>Cheques totalling</td>
<td>173,922.09</td>
</tr>
<tr>
<td>Electronic Fund Transfer</td>
<td>1,460,523.42</td>
</tr>
<tr>
<td>Payroll totalling</td>
<td>697,242.16</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,331,687.67</td>
</tr>
</tbody>
</table>

2. As at 6th January 2003, the total outstanding creditors, stands at $802,033.43.

3. Cancelled Cheque - 18570
Item 12.1.1 continued.

** RECOMMENDATION **

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

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Fund</td>
<td>$2,331,687.67</td>
</tr>
<tr>
<td>Total</td>
<td>$2,331,687.67</td>
</tr>
</tbody>
</table>

Voting Requirement Simple Majority

```
MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS

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

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$2,331,687.67</td>
</tr>
<tr>
<td>Total</td>
<td>$2,331,687.67</td>
</tr>
</tbody>
</table>

MOTION CARRIED 15-0
```
12.1.2 Local Government Statutory Compliance

File/Ward : GOV 039 (All Wards)
Subject Land/Locality : N/A
Proponent : N/A
Owner : N/A
Reporting Officer(s) : Manager Finance (S Goodman)
Disclosure of Interest : N/A
Previous Reference : Nil.
Summary Recommendation : Adoption of Statutory Compliance return and endorsement of certification.
Bulletin Attachment : Copy of the Statutory Compliance Return
Locality Plan : N/A

BACKGROUND

1. The Department of Local Government produces a statutory Compliance Return for Local Government to use as a check list of statutory obligations and compliance. Copy is included in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

2. The statutory compliance return is required under Section 7.13 of the Local Government Act (1995) and items 13-15 of the Audit Regulations.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. There are no strategic implications relating to this item.
Item 12.1.2 continued.

COMMENT/DISCUSSION

6. As indicated in the return, Council has complied with the requirements of the Local Government Act 1995 with the exception of the following:

“Section C 4 – Disclosure of Interest, requires that a primary disclosure of interest form be completed by all newly elected members within three months of their start day. One Councillor who was elected in May 2003 did not submit his return until November 2003.”

7. A specific requirement of the adoption procedures is that the Chief Executive Officer or Mayor reads aloud to the meeting the certification contained on Page 1 of the Return, prior to it being signed.

RECOMMENDATION

THAT the;

i) Local Government Statutory Compliance Return for the City of Albany for the period 1st January 2003 to 31st December 2003 be adopted; and

ii) certificate contained within the Local Government Statutory Compliance Return be endorsed appropriately by the Mayor and the Chief Executive Officer.

Voting Required Simple Majority

Executive Director Development Services, Rob Fenn left the Chambers at 8.43pm.

The Chief Executive Officer read the contents of the Joint Certification to the Council.

<table>
<thead>
<tr>
<th>MOVED COUNCILLOR WOLFE</th>
<th>SECONDED COUNCILLOR BOJCUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>THAT the;</td>
<td></td>
</tr>
<tr>
<td>i) Local Government Statutory Compliance Return for the City of Albany for the period 1st January 2003 to 31st December 2003 be adopted; and</td>
<td></td>
</tr>
<tr>
<td>ii) certificate contained within the Local Government Statutory Compliance Return be endorsed appropriately by the Mayor and the Chief Executive Officer.</td>
<td></td>
</tr>
</tbody>
</table>

MOTION CARRIED 15-0

Executive Director Development Services, Rob Fenn returned to the Chambers at 8.45pm.
12.2 ADMINISTRATION

12.2.1 Annual Review of Council Delegations – Development Approvals

** File/Ward : MAN 122 (All Wards)**

** Proposal/Issue :** To review delegations for development approvals granted to the Chief Executive Officer, and delegations to nominated staff.

** Subject land :** N/A

** Proponent :** City of Albany

** Owner :** N/A

** Reporting Officer :** Senior Records Officer (S Pepper)

** Disclosure of Interest :** N/A

** Previous Reference :** OCM 20/11/01 - Item 12.2.1
OCM 20/08/02 – Item 12.2.6

** Summary Recommendation :** That Council agrees to renew the Chief Executive Officer’s delegation for development approvals, and delegations to specific staff.

** Bulletin Attachment :** 2002/03 Delegation Register

** Locality Plan :** N/A

** BACKGROUND**

1. Once each year the delegations provided to officers are to be reviewed by Council and the delegated authority can be revoked, amended or renewed. The current delegations were established in October 2002, and amended as required.

2. The delegations are provided through the provisions of the City’s Town Planning Schemes and relate to matters under the Town Planning and Development Act. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.

3. During the last financial year, Council has approved specific delegations, under the Town Planning Act, to various staff. Some of these delegations are of either an ongoing nature or have not yet been finalised. They are being referred back to Council for endorsement.
Item 12.2.1 continued.

**STATUTORY REQUIREMENTS**

4. Section 7.21 of the City of Albany Town Planning Scheme No 1A and Section 6.10 of the City of Albany Town Planning Scheme No 3 establish the mechanisms for Council to delegate decision-making. The wording in the two documents is slightly different however they both provide that Council can delegate at any time and the delegation must be reviewed annually. The actual wording is included in the Delegation Register.

5. Section 5.42 of the Local Government Act also allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Local Government Act. The Chief Executive Officer can than administratively arrange, pursuant to Section 5.44 of the Local Government Act, to allow another person to perform the required function.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

8. The City’s Albany 2020 Objectives and Council activities, include the following – Governance – to comply with statutory requirements of the organization.

**COMMENT/DISCUSSION**

9. A review of the 2002/2003 delegations for development approvals has been conducted, and it is felt the delegations should continue, as they form the basis of Council’s 2020 Strategic Plan, in endeavouring to provide a more efficient and effective service to our customers.

10. Included in the Elected Members Report/Information Bulletin is a 2002/2003 Delegation Register for both schemes. The Register contains 2 parts, the first details the actual clauses of the scheme where Council is required to perform a task. Part 2 establishes the guidelines, which assist in decision making. The guidelines have been adopted as policies pursuant to the respective scheme to provide greater certainty in decision making.

11. As these delegations are available under the two schemes, it is intended to continue to promote these efficiencies, by seeking such delegations to the Chief Executive Officer, who may then, under the Local Government Act, delegate some or part of those tasks to relevant staff.
Item 12.2.1 continued.

12. The Chief Executive Officer proposes to delegate authority to individual staff and withdraw the authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards. Council retains the capacity to review the ‘upper limit’ of the delegated authority at any time and it must review annually the extent of its delegations.

13. The specific delegations to staff are as follows:

**Proposed Aged Persons Village – Surrey Street, Mira Mar**
OCM 18.12.01 Item 11.1.1; Reviewed OCM 20.08.02 Item 12.2.6

**Proposed Demolition – 298 Middleton Road, Centennial Park**
OCM 15.01.02 Item 11.1.5; Reviewed OCM 20.08.02 Item 12.2.6

**Application for Planning Scheme Consent – Dwelling – Location 7 Lower King Road, Lower King**
OCM 19.02.02 Item 11.1.2; Reviewed OCM 20.08.02 Item 12.2.6

**Development Application – Gazebo & Information Board – Reserve 2682, Mount Clarence.**
OCM 17.09.02 Item 11.1.2

**Proposed Private Recreation (Outdoor Cinema) - The Princess Royal Fortress - Reserve 38226 (Lot 1347) Forts Road, Mt Clarence**
OCM 19.11.02 Item 11.1.4

**Proposed Variation to Urban Design Guidelines Policy – Lifestyle Village**
OCM 19.08.03 Item 11.3.4

14. Council has previously set a limit of $1 million for staff delegations when processing applications under either both town planning scheme. This figure has not been reviewed since 2001 and with inflation and increases in the cost of development it is felt this figures should be increased to $1.5 million.

15. Council has recently had instances where planning scheme consent approvals are close to expiring and need a new application for the project to continue. Staff also feel that these cases could be handled administratively to increase efficiencies for the developer.
Item 12.2.1 continued.

RECOMMENDATION

THAT Council;

i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.

ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate to the Chief Executive Officer those functions specified in Schedule 2 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.

iii) pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A and upon receipt of a response from the Department of Environmental Protection and Waters & Rivers Commission, delegated authority be issued to the Executive Director Development Services to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:
   a) all units within the site being subject to the Retirement Villages Act;
   b) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;
   c) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and
   d) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.

iv) pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A delegate authority to the Manager Development to grant a conditional Planning Scheme Consent for the demolition of the existing dwelling at 298 Middleton Road, Centennial Park once an application for a replacement building to house Professional Offices has been approved.
Item 12.2.1 continued.

v) pursuant to clause 6.10 of the City of Albany Town Planning Scheme 3 delegate authority to the Executive Director Development Services, pending the satisfaction of the following, to grant conditional Planning Scheme Consent for a residential dwelling house on Location 7 Lower King Road, Lower King:

a) A geo-technical report being undertaken by the applicant to determine whether the soils are adequately stable to accommodate a dwelling on-site, and how much fill will be required.
b) The dispersal field for the effluent disposal system being setback a distance no less than 30m from the high water mark (which should be shown on the plan) to comply with the Health Department of Western Australia’s guidelines.
c) Detailed information being provided by the applicant advising Council how the effluent disposal system will meet the 250mm clearance from ground water level, including the amount of fill proposed, given the fact that the land is subject to seasonal inundation and tidal influence.
d) A flood study being undertaken to determine the highest potential flood level, so that the house and effluent disposal system can be built up accordingly.
e) Should the drainage channel be affected by the development, then actions will be required to ensure it’s effectiveness is maintained.
f) A drainage assessment being conducted by a qualified engineer stating how the level of fill will impact on water flow across the subject land and neighbouring properties if applicable.
g) A subdivision application being lodged and a diagram of survey being prepared for proposed Lot 1, and on this plan a portion of Location 7 (south and east of Lower King Road) being ceded free of cost to the Crown.
h) A vegetation survey being carried out on site to determine whether there are any species worthy of retention affected by the development.
i) A building envelope being established on the south eastern portion of the lot to the satisfaction of the Executive Director – Development Services.

vi) pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A delegate authority to the Executive Director Development Services to grant a conditional Planning Scheme Consent for a Gazebo and Information Board, subject to conditions including but not limited to:

a) minimal clearance of vegetation;
b) maintenance agreements with the Apex Club;
c) best Practice construction techniques being used; and
d) the design and location of the Information Board being modified to conform with standard Council information boards of a similar nature.
ORDINARY COUNCIL MEETING MINUTES – 20/01/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

vii) delegate to the Executive Director Development Services the power to approve and impose appropriate conditions upon the Notice of Planning Scheme Consent for the Private Recreation (Outdoor Cinema) upon Princess Royal Fortress on Forts Road, Mt Clarence, and in formulating the approval the following requirements shall be imposed:
   a) upgrade and extend supply of three (3) phase power in a non-intrusive manner, entirely at the applicant’s expense;
   b) that the outdoor cinemas operate as a non-smoking event;
   c) all temporary infrastructure (eg screen, fencing, lighting, projection box and sound equipment) is to be removed, to the satisfaction of Council, following each screening and stored in a suitable location chosen by Council;
   d) the applicants will be responsible for rubbish disposal and the cleaning of the grassed area, to be used for the outdoor cinema, and the car parking area daily to the satisfaction of Council;
   e) the applicants will be responsible for rehabilitation of the site at the conclusion of the screening period, to the standard of the site prior to operation of the outdoor cinema; and
   f) adequate Fire Services be provided on site during screenings.

   FOOTNOTE: The applicant will be required to enter into a separate agreement with the City of Albany to secure access to the site, to protect the existing Fort’s infrastructure and to ensure the safety of patrons.

viii) pursuant to Clause 7.21 of the City of Albany Town Planning Scheme No. 1A delegate to the Manager of Development Services authority to grant approval to applications for Pergolas for lots 9, 10, 11 and 70 Ulster Road (Cnr North Road) to be constructed with no less than 50% translucent roofing material.

ix) increase the value specified in clause 1.1(o) from $1 million to $1.5 million for the development guidelines of Town Planning Scheme 1A and 3.

x) insert an additional clause 1.1 (q) for the Development Guidelines of Town Planning Scheme 1A and 3, which reads:-
   “Reapplications for Planning Scheme Consents which have already been granted approval via Council resolution be delegated to staff where no major variations (more than 10% departure) are experienced and the Scheme provisions relating to that land parcel have not been amended”.

Voting Requirement Absolute Majority

.................................................................
MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR BOJCUN  

THAT Council;

i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 with the exclusion of item S (pg 209) in the Elected Members Report/Information Bulletin after Schedule 1 in line 3 as they relate to Town Planning Scheme No 1A, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.

ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate to the Chief Executive Officer those functions specified in Schedule 2 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.

iii) pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A and upon receipt of a response from the Department of Environmental Protection and Waters & Rivers Commission, delegated authority be issued to the Executive Director Development Services to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:
   a) all units within the site being subject to the Retirement Villages Act;
   b) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;
   c) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and
   d) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.

iv) pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A delegate authority to the Manager Development to grant a conditional Planning Scheme Consent for the demolition of the existing dwelling at 298 Middleton Road, Centennial Park once an application for a replacement building to house Professional Offices has been approved.
Item 12.2.1 continued.

v) pursuant to clause 6.10 of the City of Albany Town Planning Scheme 3 delegate authority to the Executive Director Development Services, pending the satisfaction of the following, to grant conditional Planning Scheme Consent for a residential dwelling house on Location 7 Lower King Road, Lower King:

a) A geo-technical report being undertaken by the applicant to determine whether the soils are adequately stable to accommodate a dwelling on-site, and how much fill will be required.

b) The dispersal field for the effluent disposal system being setback a distance no less than 30m from the high water mark (which should be shown on the plan) to comply with the Health Department of Western Australia’s guidelines.

c) Detailed information being provided by the applicant advising Council how the effluent disposal system will meet the 250mm clearance from ground water level, including the amount of fill proposed, given the fact that the land is subject to seasonal inundation and tidal influence.

d) A flood study being undertaken to determine the highest potential flood level, so that the house and effluent disposal system can be built up accordingly.

e) Should the drainage channel be affected by the development, then actions will be required to ensure it’s effectiveness is maintained.

f) A drainage assessment being conducted by a qualified engineer stating how the level of fill will impact on water flow across the subject land and neighbouring properties if applicable.

g) A subdivision application being lodged and a diagram of survey being prepared for proposed Lot 1, and on this plan a portion of Location 7 (south and east of Lower King Road) being ceded free of cost to the Crown.

h) A vegetation survey being carried out on site to determine whether there are any species worthy of retention affected by the development.

i) A building envelope being established on the south eastern portion of the lot to the satisfaction of the Executive Director – Development Services.

vi) pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A delegate authority to the Executive Director Development Services to grant a conditional Planning Scheme Consent for a Gazebo and Information Board, subject to conditions including but not limited to:

a. minimal clearance of vegetation;

b. maintenance agreements with the Apex Club;

c. best Practice construction techniques being used; and

d. the design and location of the Information Board being modified to conform with standard Council information boards of a similar nature.
Item 12.2.1 continued.

<table>
<thead>
<tr>
<th>vii)</th>
<th>delegate to the Executive Director Development Services the power to approve and impose appropriate conditions upon the Notice of Planning Scheme Consent for the Private Recreation (Outdoor Cinema) upon Princess Royal Fortress on Forts Road, Mt Clarence, and in formulating the approval the following requirements shall be imposed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>upgrade and extend supply of three (3) phase power in a non-intrusive manner, entirely at the applicant’s expense;</td>
</tr>
<tr>
<td>b.</td>
<td>that the outdoor cinemas operate as a non-smoking event;</td>
</tr>
<tr>
<td>c.</td>
<td>all temporary infrastructure (eg screen, fencing, lighting, projection box and sound equipment) is to be removed, to the satisfaction of Council, following each screening and stored in a suitable location chosen by Council;</td>
</tr>
<tr>
<td>d.</td>
<td>the applicants will be responsible for rubbish disposal and the cleaning of the grassed area, to be used for the outdoor cinema, and the car parking area daily to the satisfaction of Council;</td>
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<td>the applicants will be responsible for rehabilitation of the site at the conclusion of the screening period, to the standard of the site prior to operation of the outdoor cinema; and</td>
</tr>
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<td>adequate Fire Services be provided on site during screenings.</td>
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</table>

**FOOTNOTE:** The applicant will be required to enter into a separate agreement with the City of Albany to secure access to the site, to protect the existing Fort’s infrastructure and to ensure the safety of patrons.

| viii) | pursuant to Clause 7.21 of the City of Albany Town Planning Scheme No. 1A delegate to the Manager of Development Services authority to grant approval to applications for Pergolas for lots 9, 10, 11 and 70 Ulster Road (Cnr North Road) to be constructed with no less than 50% translucent roofing material. |

| ix)   | insert an additional clause 1.1 (q) for the Development Guidelines of Town Planning Scheme 1A and 3, which reads:- “Reapplications for Planning Scheme Consents which have all ready been granted approval via Council resolution be delegated to staff where no major variations (more than 10% departure) are experienced and the Scheme provisions relating to that land parcel have not been amended”. |

AND

THAT Council be briefed by staff on the impact of delegated authority being extended to staff on larger value projects, with the view to creating an appropriate policy dealing with public scrutiny of those projects.

MOTION CARRIED 15-0
ABSOOLUTE MAJORITY
Reason:

- A $1 million delegation limit was imposed upon staff several years ago as a result of a CBD project receiving adverse public comment. It is opportune for Councillors to be briefed on delegation issues before development limits are adjusted.

- Item S (pg 209 of the Elected Members Report / Information Bulletin) provides approval capacity for staff for the Foreshore Zone, where planning is currently being reviewed.
12.2.2 Annual Review of Council Delegations – Local Government Delegations

<table>
<thead>
<tr>
<th>File/Ward</th>
<th>MAN 122 (All Wards)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal/Issue</td>
<td>To Review Delegations granted to the Chief Executive Officer and to nominated Council Committees</td>
</tr>
<tr>
<td>Subject Land/Locality</td>
<td>N/A</td>
</tr>
<tr>
<td>Proponent</td>
<td>City of Albany</td>
</tr>
<tr>
<td>Owner</td>
<td>N/A</td>
</tr>
<tr>
<td>Reporting Officer(s)</td>
<td>Senior Records Officer (S Pepper)</td>
</tr>
<tr>
<td>Disclosure of Interest</td>
<td>Nil</td>
</tr>
</tbody>
</table>
| Previous Reference | OCM 20/11/01 - Item 12.2.2  
OCM 20/08/02 - Item 12.2.7 |
| Summary Recommendation | That Council agrees to renew the Chief Executive Officer’s and Council committees’ various delegations as listed |
| Bulletin Attachment | 2002/03 Council Delegations |
| Locality Plan      | N/A                 |

BACKGROUND

1. Under the provisions of the Local Government Act, a local authority may delegate some of its powers and duties to the Chief Executive Officer (there are restrictions detailed in the Act), to help facilitate the many services it provides to the community. These delegations must be in writing and may either be of a general nature or specific, but in all cases there is a requirement to review them at least once each year.

2. Over the past twelve months, Council has granted numerous delegations (using various legislation eg – Local Government, Bushfires, Dog, Strata Titles etc), to the Chief Executive Officer, in an effort to streamline the provision of services (refer table in Elected Members Report/Information Bulletin).
Item 12.2.2 continued.

STATUTORY REQUIREMENTS:

3. Section 5.42 of the Local Government Act 1995 enables the delegation of some powers and duties to the Chief Executive Officer:

   “1) a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43”

   a delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

4. Section 5.16 and 5.17 of the Local Government Act 1995 enables the delegation of some powers and duties to a committee:

   “1) which may be in writing and be general or as otherwise provided in the instrument of delegation;

   2) which have effect for the period of time specified or if no period specified, indefinitely;

   3) but can not include any power or duty that requires a decision of an absolute majority or a 75% majority of the Council, or any powers or duties that can be delegated to the CEO under Division 4, etc”

5. Also under the provisions of section 5.46 of the Local Government Act 1995, delegations must be reviewed at least once every financial year.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The City’s Albany 2020 Objectives and Council activities, include the following – Governance – to comply with statutory requirements of the organization.

COMMENT/DISCUSSION

9. A review of the 2002/2003 delegations has been conducted, and it is felt many of these delegations should continue, as they form the basis of Council’s 2020 Strategic Plan, in endeavouring to provide a more efficient and effective service to our customers.
Item 12.2.2 continued.

10. As delegations are available under the various types of legislation, it is intended to promote these efficiencies, by seeking such delegations to the Chief Executive Officer, who may then, under the Local Government Act 1995, delegate some or part of those tasks to relevant staff.

11. While this item seeks delegations from Council to the Chief Executive Officer only, it should be noted, that any subsequent delegations to staff, are handled administratively, as a function of the Chief Executive Officer.

12. The following specific delegations were approved to the Chief Executive Officer, but have not yet been finalised:

**Emu Point Erosion Study**

OCM 18.06.02 Item 13.2.7; reviewed OCM 20.08.02 Item 12.2.7

THAT Council:

i) not accept any Tenders for Contract C01064; and

ii) delegate to the Chief Executive Officer to award the tender, following negotiations with both Egis and MP Rogers and Associates, subject to budgetary constraints.

**Proposed Telstra Lease – Reserve 43591**

OCM 19.08.03 Item 12.2.1

THAT in accordance with Section 3.58 of the Local Government Act 1995, Council agree that, should no submissions be received as a result of advertising, the Chief Executive Officer be delegated authority:

i) to negotiate a new lease with Telstra Corporation Limited for a period of 9 years and 11 months from 1 September 2003 until 31 July 2013 for a portion of Reserve 43591 Plantagenet Location 7727;

ii) the rental be set at $1,500.00 per annum, subject to GST and to be reviewed annually with rent reviews being based on a 3% per annum increase or in accordance with movements in CPI, (whichever is the greater);

iii) the standard lease agreement be prepared by Telstra Corporation Limited and checked by Council’s solicitors to ensure that our interest is protected;

iv) all fees associated with this lease be payable by Telstra Corporation Limited including all expenses associated with removing the existing tower and relocating current users (City of Albany) to the new tower; and

v) the Common Seal of the City of Albany be affixed to the documentation.
Item 12.2.2 continued.

RECOMMENDATION

THAT Council,

i) in accordance with the provisions of Section 5.42 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:-

a) Review of City of Albany’s Gross Rental Valuation (GRV) Rating Area.  
   *Local Government Act, Section 6.28 Report Requirement – FILE*

b) Contracts – Power to Accept Contracts for Provision of Goods and Services and acquire/dispose of property up to $50,000.00 (excluding GST), subject to the said matter:
   - (i) being detailed in Council’s annual budget, and
   - (ii) complying with any relevant Council policy.  
   *Local Government Act, Section 5.43(b) Report Requirement – FILE*

c) Process requests related to leases –
   - Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
   - Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
   - Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
   - Application for a sublease to be processed, where there is a current lease in place.  
   *Land Administration Act, Section 18 and Local Government Act, Section 3.58 Report Requirement: BULLETIN*

d) Process requests related to the application of the Common Seal. The Mayor and the Chief Executive Officer (and their respective absences the Acting Mayor and the Acting Chief Executive Officer) be authorised to attach the Common Seal to all documents, subject to the restrictions imposed by Section 5.43 of the Local Government Act.  
   *Local Government Act, Section 2.5 Report Requirement BULLETIN*

e) The authority to appoint “authorised persons” under the City of Albany’s local laws.  
   *Local Government Act Report Requirement FILE*

f) To execute Grant and Service Agreements arranged with the Bushfire Services of WA.  
   *Local Government Act, Section 5.43 Report Requirement FILE*
Item 12.2.2 continued.

** REFER DISCLAIMER **

** CORPORATE & COMMUNITY SERVICES REPORTS **

** Item 12.2.2 continued. **

** g) To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes. **

 Local Government Act, Schedule 9.1, Section 2

 Report Requirement  FILE

** h) The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997. **

 Local Government Act, section 6.10 and Financial Management Regulations

 Report Requirement  FILE

** i) To approve and refuse applications from organizations within the City of Albany municipality to use the ‘Altogether Better’ brand within the parameters of the Brand Management Guidelines. **

 Local Government Act, Section 2.5

 Report Requirement  FILE

** j) To obtain drainage easements for Council’s drainage needs subject to the following criteria: **

 • all alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;
 • easement location be based on sound engineering knowledge taking into account existing and future drainage systems;
 • should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of $25,000.00;
 • no payment of compensation is to be paid until the easement has been registered with the Titles Office;
 • easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural);
 • location of easement is agreed to by the affected land owner;
 • agreement has been obtained from the affected landowner for the grant of easement.

 Local Government Act, Schedules 3.2, 9.1

 Report Requirement: File

** k) To implement the provisions of the policy –“Payments to Employees in Addition to Contractor Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy. **

 Local Government Act, Section 5.50

 Report Requirement: Bulletin
Item 12.2.2 continued.

l) To approve sundry donations to the value of $200.00 in accordance with the policy “Financial Assistance Community Organisations”.

*Local Government Act*
*Report Requirement to Council Records*

m) To approve the writing off of penalty interest relating to rates payments to the value of $1.99.

*Local Government Act, Section 6.47*
*Report Requirement to Council Records*

ii) in accordance with the provisions of section 5.42 of the Local Government Act 1995 delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder:-

- The power to approve and refuse the issue of building and demolition licences;
- The power to serve a stop work order upon a builder;
- To grant approval for a building which encroaches over a public place or street; and
- To require in-completed buildings completed or removed.

*Local Government (Miscellaneous Provisions) Act*
*Report requirement: Bulletin*

iii) in accordance with the provisions of Section 5.42 of the Local Government Act 1995 delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:-

a) Process requests related to Leases

- Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
- Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
- Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
- Application for a sublease to be processed, where there is a current lease in place.

*Land Administration Act, Section 18 and Local Government Act, Section 3.58*
*Report Requirement: BULLETIN*

b) Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council’s “Development Area and Street Names” Policy.

*Land Administration Act, Section 56*
*Report Requirement FILE*
c) Process requests related to Crown Reserves
   • Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.
   • Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme.
   • Creation of a Crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme.

   Land Administration Act and Regulations
   Report Requirement BULLETIN

   d) To obtain road widenings for Council’s road infrastructure improvement, subject to the following criteria:
      • all alternative routes with regard to road construction or reconstruction shall be investigated as part of the design process.
      • road widening location to be based on sound engineering principles taking into account existing and future road systems.
      • should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of $50,000.00.
      • agreement has been obtained from the affected land owners for the land to be resumed.
      • no payment of compensation is to be paid until the road widening has been registered with the Titles Office.

   Land Administration Act, Section 177
   Report Requirement FILE

   iv) in accordance with section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Bush Fires Act.

   Bush Fires Act
   Report Requirement FILE

   v) in accordance with the provisions of Section 5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Strata Titles Act in the following areas:-
      • authority to sign certificates issued;
      • the ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
      • the ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.

   Strata Titles Act, Sections 6, 23(5), 42
   Report Requirement FILE
Item 12.2.2 continued.

vi) in accordance with the provisions of Section 5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Dog Act 1976.

Dog Act 1976

vii) in accordance with the provisions of Section 5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the authority to approve the operation of helicopter joy flights from the Albany Foreshore reserve, adjacent to Princess Royal Harbour.

Town Planning Scheme 1A, clause 7.21

viii) in accordance with the provisions of Section 5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer and to sub-delegate the power to exercise the authority to grant permission of the local government to allow blasting within a townsite, as provided by the Explosives and Dangerous Goods Act 1961, subject to Council’s guidelines.

NB: In accordance with Regulation 115(6) of the Explosive and Dangerous Goods (Explosives) Regulations 1963 states that any person who wishes to blast within a townsite must give the clerk of the Council of the local government 24 hours notice of that wish. Therefore, there is no requirement for a delegation from Council, but the Chief Executive Officer may delegate to nominated staff.

ix) in accordance with the provisions of Sections 5.16 and 5.17 of the Local Government Act 1995, agree to delegate to the Albany Town Theatre Advisory Committee, the power to assess and approve performances at the Theatre, subject to budgetary constraints.

Local Government Act

x) in accordance with the provisions of Sections 5.16 and 5.17 of the Local Government Act 1995, Council agree to delegate to the Community Financial Assistance Committee, the power to assess applications for minor community grants and to approve funding allocations up to $10,000.00, in accordance with the policy “Community Financial Assistance Program Policy”.

Local Government Act

xi) give the Chief Executive Officer authority to assess urgent financial support applications, applying the Legal Representation-Costs Indemnification policy, with any one authorisation not to exceed $5,000.00.

Local Government Act
Item 12.2.2 continued.

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Local Government Act

Report Requirement to Council Records

xiii) gives the Chief Executive Officer the power to refuse applications for third party signage adjacent to rural roads and highways in the City of Albany and authority to prosecute those landowners who continue to display non-approved signage upon their land, contrary to notices issued for the removal of those signs.

xiv) a) not accept any Tenders for Contract C01064; and
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b) to set the rental at $1,500.00 per annum, subject to GST and to be reviewed annually with rent reviews being based on a 3% per annum increase or in accordance with movements in CPI, (whichever is the greater);
c) to execute the standard lease agreement be prepared by Telstra Corporation Limited and checked by Council’s solicitors to ensure that our interest is protected;
d) negotiate that all fees associated with this lease be payable by Telstra Corporation Limited including all expenses associated with removing the existing tower and relocating current users (City of Albany) to the new tower; and
e) to affix the Common Seal of the City of Albany to the documentation.

Voting Requirement Absolute Majority

.................................................................
Item 12.2.2 continued.

MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR SANKEY

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Report Requirement – FILE

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Local Government Act, Section 5.43(b)
Report Requirement – FILE

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Report Requirement: BULLETIN

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Report Requirement BULLETIN

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Local Government Act
Report Requirement FILE
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Local Government Act
Report Requirement to Council Records

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Local Government (Miscellaneous Provisions) Act
Report requirement: Bulletin

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Report Requirement File*

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*Bush Fires Act
Report Requirement FILE*

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\[ \text{Town Planning Scheme 1A, clause 7.21} \]

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Local Government Act

Report Requirement to Council Records

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Local Government Act

Report Requirement to Council Records

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Local Government Act

Report Requirement to Council Records

xiii) gives the Chief Executive Officer the power to refuse applications for third party signage adjacent to rural roads and highways in the City of Albany and authority to prosecute those landowners who continue to display non-approved signage upon their land, contrary to notices issued for the removal of those signs.

Local Government Act

Report Requirement to Council Records

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g) to set the rental at $1,500.00 per annum, subject to GST and to be reviewed annually with rent reviews being based on a 3% per annum increase or in accordance with movements in CPI, (whichever is the greater);

h) to execute the standard lease agreement be prepared by Telstra Corporation Limited and checked by Council’s solicitors to ensure that our interest is protected;

i) negotiate that all fees associated with this lease be payable by Telstra Corporation Limited including all expenses associated with removing the existing tower and relocating current users (City of Albany) to the new tower; and

j) to affix the Common Seal of the City of Albany to the documentation.

MOTION CARRIED 15-0
ABSOLUTE MAJORITY

Reason:

• Item (xiv) has been acted on and is finalised.
12.2.3 Council Representation – Various Committees

** File/Ward **: REL 114, FIN 057, PER 009, STR 104 (All Wards)

** Proposal/Issue **: Council representation on various committees

** Subject Land/Locality** : N/A

** Proponent **: N/A

** Owner **: N/A

** Reporting Officer(s) **: Senior Records Officer (S Pepper)

** Disclosure of Interest **: Nil

** Previous Reference **: SCM 05/05/03 - Item 6.1.1

** Summary Recommendation **: Appoint Councillors to various committees

** Bulletin Attachment **: Nil

** Locality Plan **: N/A

** BACKGROUND **

1. With the resignation of Councillor Evers to pursue her employment opportunities with the Council, there are now vacancies created on the various committees, to which she was elected.

2. The committees include the:
   - Aboriginal Accord Advisory Committee
   - Audit Committee
   - Chief Executive Officer Performance Appraisal Committee
   - Local Planning Strategy Steering Committee
   - Mt Martin Advisory Committee
   - Lotteries House Management Committee
   - NRM Centre for Excellence Policy Board
   - UWA Albany Scholarship Program
   - Watershed Torbay Project
   - Great Southern Development Commission
   - Redmond/Hay River Soil Conservation District
   - Wilson Inlet Management Group.

3. Councillor Paver has also advised he wishes to resign from the Albany Maritime Foundation, Albany University Foundation and the South Coast Management Group, as he is unable to commit the necessary resources to these groups, as well as attend to his other duties.
Item 12.2.3 continued.

**STATUTORY REQUIREMENTS**

4. Section 5.8 of the Local Government Act 1995 provides that a Local Government may establish committees of 3 or more persons to assist the Council, in carrying out its duties and responsibilities. Voting requirements for election to a committee require an absolute majority.

**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 request complies with Council’s Albany 2020 Plan which states as follows:

   “A reputation for professional excellence – Civic Leadership and Corporate Image”.

**COMMENT/DISCUSSION**

8. Representatives to internal committees of Council are appointed in accordance with the Local Government Act 1995, and require an absolute majority vote to formalise appointment.

9. The Great Southern Development Commission, Redmond/Hay River Soil Conservation District Committee and Wilson Inlet Management Group representations require Council to nominate an individual (who is to supply a detailed CV for Ministerial consideration), and the appointment will then be subject to Ministerial approval.

**RECOMMENDATION**

THAT Council, in accordance with the provisions of Section 5.8 of the Local Government Act,

i) appoint Councillor ________ as a Council representative on the Aboriginal Accord Advisory Committee;

ii) appoint Councillor ________ as a Council representative on the Audit Committee;

iii) appoint Councillor ________ as a Council representative on the Chief Executive Officer Performance Appraisal Committee;

iv) appoint Councillor ________ as a Council representative on the Local Planning Strategy Steering Committee

v) appoint Councillor ________ as a Council representative on the Mt Martin Advisory Committee
THAT Council
i) appoint Councillor ______ as a Council representative on the Lotteries House Management Committee

ii) appoint Councillor ______ as a Council representative on the NRM Centre for Excellence Policy Board

iii) appoint Councillor ______ as a Council representative on the UWA Albany Scholarship Program

iv) appoint Councillor ______ as a Council representative on the Watershed Torbay Project

v) appoint Councillor ______ as a Council representative on the Albany Maritime Foundation

vi) appoint Councillor ______ as a Council representative on the Albany University Foundation

vii) nominate Councillor ______ as a representative on the Wilson Inlet Management Group; and

viii) nominate Councillor ______ as a representative on the Great Southern Development Commission, subject to Ministerial approval

ix) appoint Councillor ______ as a Council representative on the South Coast Management Group; and

x) nominate Councillor ______ as a representative on the Redmond/Hay River Soil Conservation District, subject to Ministerial approval.

THAT Council
i) appoint Councillor ______ as a Council representative on the Lotteries House Management Committee

ii) appoint Councillor ______ as a Council representative on the NRM Centre for Excellence Policy Board

THAT Council
i) appoint Councillor ______ as a Council representative on the Aboriginal Accord Advisory Committee;

ii) appoint Councillor ______ as a Council representative on the Chief Executive Officer Performance Appraisal Committee;

iii) appoint Councillor ______ as a Council representative on the Local Planning Strategy Steering Committee

iv) appoint Councillor ______ as a Council representative on the Mt Martin Advisory Committee

THAT Council
i) appoint Councillor ______ as a Council representative on the Lotteries House Management Committee

ii) appoint Councillor ______ as a Council representative on the NRM Centre for Excellence Policy Board
iii) appoint Councillor _________ as a Council representative on the UWA Albany Scholarship Program
iv) appoint Councillor _________ as a Council representative on the Watershed Torbay Project
v) appoint Councillor _________ as a Council representative on the Albany Maritime Foundation
vi) appoint Councillor _________ as a Council representative on the Albany University Foundation
vii) appoint Councillor _________ as a Council representative on the South Coast Management Group; and
viii) nominate Councillor _________ as a representative on the Wilson Inlet Management Group, subject to Ministerial approval
ix) nominate Councillor _________ as a representative on the Redmond/Hay River Soil Conservation District, subject to Ministerial approval.

Voting Requirement Simple Majority

Reason:
- Councillor Wellington was appointed as a Council Representative to the Audit Committee at the OCM held on 21st October 2003, when a position became vacant.
- Councillor Evers was appointed to the Mt Martin Advisory Committee at the May 2003 SCM.
- Councillor Bojcun was appointed to the Mt Martin Botanic Park Committee at the OCM held on 21st October 2003.
- Councillor Evers was appointed to the Great Southern Development Commission as a Council representative in 1999, then became a Community Representative in 2002. This position expired in November 2003. The Great Southern Development Commission Committee consists of three Council positions, these positions have been filled by Woodanilling, Cranbrook and Jerramungup Shires and has indicated that it does not require representation by the City of Albany.

| MOVED COUNCILLOR EVANS |
| SECONDED COUNCILLOR EMERY |

THAT Council, in accordance with the provisions of Section 5.8 of the Local Government Act,

i) appoint Councillor Lionetti as a Council representative on the Aboriginal Accord Advisory Committee;
ii) appoint Councillor Bojcun as a Council representative on the Chief Executive Officer Performance Appraisal Committee;
iii) appoint Councillor Emery as a Council representative on the Local Planning Strategy Steering Committee

THAT Council defer consideration of appointment of external committees until such time as the proposed review of meeting, briefing and committee representation arrangements is completed.

MOTION CARRIED 15-0
ABSOLUTE MAJORITY
12.2.4 Rural Street Numbering

<table>
<thead>
<tr>
<th>File/Ward</th>
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<tbody>
<tr>
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<tr>
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<td>Nil</td>
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<tr>
<td>Summary Recommendation</td>
<td>That Council adopt Rural Street Numbering.</td>
</tr>
<tr>
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<td>Nil</td>
</tr>
<tr>
<td>Locality Plan</td>
<td>N/A</td>
</tr>
</tbody>
</table>

BACKGROUND

1. To find a rural landowner in Albany, Australia Post, emergency services, and the public rely upon hand made signs identifying lot numbers or roadside mailboxes. It is very difficult for a visitor to find a specific address, and mail delivery has been described as a “postman’s nightmare”. The Post Office has ceased issuing RMB numbers in most cases, and some new owners have experienced difficulty obtaining consistent mail delivery. Postal contractors tend to rely on the knowledge of people’s names, but as density increases, as is the case in Albany, problems occur. Organisations such as bushfire brigades, State Emergency Services and ambulance services are required to have detailed local knowledge to respond during an emergency situation.

2. The Department of Land Information (DLI), formerly DOLA, has established a system of rural street numbering, based on the distance in metres from a major intersection. This, combined with the recent clarification of localities, allows every property within the City to have a valid, easily understood street address. If fully implemented, every property would display a marker with the street number on a star picket on the verge near the entrance to their driveway.
Item 12.2.4 continued.

3. When the system was considered previously, DLI indicated that to properly implement a rural numbering system, a Council was required to provide number disks, star pickets, and installation for every property. This option was costed at a minimum of $45,000. Due to the cost, the proposal was rejected as part of budget deliberations in 2003/04. DLI have subsequently amended their view, and now will fully co-operate with Councils whether or not the standard markers are used.

STATUTORY REQUIREMENTS

5. Section 3.25 (1) (a) of the Local Government Act (1995) gives a Local Government the responsibility for issuing notices to property owners on a range of items. Schedule 3.1 – Division 1, item 2 requires that the owner upon receipt of a notice from Council, shall place in a prominent position on the land a number to indicate the address.

6. Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

POLICY IMPLICATIONS

7. There is no Council Policy in place relating to this item.

FINANCIAL IMPLICATIONS

8. If Council adopts Rural Street Numbering, the basic cost to Council is officer time to update the addresses on some 3000 Council records ($1,000). If Council chooses to purchase the marker disks on behalf of current property owners, the total cost to Council would be $15,000 plus officer time ($1,000). To have the markers installed on behalf of land owners would cost in excess of $50,000 if done by Council, or slightly less if it became a project of a local service club.

STRATEGIC IMPLICATIONS

9. The City of Albany’s Strategic Plan “Albany 2020 – Charting our Course” recognizes emergency activities in the following way:

The continual development of Council services and facilities to meet the needs of all stakeholders

Ranger Services

• To facilitate the delivery of fire and other Ranger Services to rural properties
COMMENT/DISCUSSION

10. A rural street numbering system would be advantageous to occupants of rural properties and their visitors, the post office and other rural deliverers, and emergency services by producing a uniform system of property identification. Under the numbering conventions, a system of odd and even numbers denoting left or right hand side of the road further enhances identification. The names and addresses register used by all modules in Synergy Soft would be improved due to the uniformity in the system. The short term disadvantages include cost of new stationery for some properties, and resistance to change.

11. If the rural numbering system were implemented, Australia Post would use a conversion table in their sorting process which would provide a reasonable changeover period (up to 2-3 years if necessary). This would allow property owners time to notify respondents and change stationary as required. Australia Post’s experience with other locations is that within 2-3 months, the new system is embraced by a large majority of residents.

12. If Rural Street Numbering is adopted, the basic (minimum cost option) would be notification to the owner (by DLI) of the new number, with instructions on how and where to display it. This would result in implementation of the system with landowners given the capacity to decide how they display their number. To achieve a uniform approach to the type of marker, Council may consider purchasing some 3000 standard markers at a cost of $5.00 each and providing them at no cost to current property owners. Owners of properties in new developments would be expected to fund their own markers, included as a condition of development approval.

RECOMMENDATION
THAT
i) Council adopt Rural Street Numbering;
iii) Council purchase standard markers to be provided to property owners free of charge; and
iii) the $16,000 cost of the markers and officer time be funded by a reallocation from increased municipal fund investment earnings.

Voting Requirement Absolute Majority

MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR LIONETTI

THAT Council adopt Rural Street Numbering;

MOTION CARRIED 15-0

Reason:
It is important to review the type and size and style of the disc prior to giving consideration to their purchase.
12.2.5 Community Safety and Crime Prevention Partnership

File/Ward : GOV 082 (All Wards)
Proposal/Issue : Auspice Grant Application – Albany Youth Support Association
Subject Land/Locality : N/A
Proponent : N/A
Owner : N/A
Reporting Officer(s) : Community Development Officer (R Shanhun)
Disclosure of Interest : Impartiality – Community Development Officer is a Council representative on the Board of Albany Youth Support Association
Previous Reference : Nil.
Summary Recommendation : That Council agree to support the grant application for Albany Youth Support Association to employ an Aboriginal youth worker
Bulletin Attachment : Nil.
Locality Plan : Nil.

BACKGROUND

1. Changes to the Safer WA Community Security Funding Program, now named Community Safety and Crime Prevention Partnership have resulted in Local Government taking on a more integral role in the program and co-ordinating of community safety and crime prevention at the local level. Organisations, such as Albany Youth Support Association, who are seeking funding under the program, are now required to seek the support of local government who are responsible for the projects and who will co-ordinate all funding under the program.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

3. The proposal for Albany Youth Support Association to employ an Aboriginal Youth Worker supports the objectives and strategies of the City of Albany Aboriginal Accord.
FINANCIAL IMPLICATIONS

4. Under the proposal there is no financial contribution from the City of Albany. There would however be a requirement to account for the grant income and expenditure and to oversee the grant acquittal / reporting process.

STRATEGIC IMPLICATIONS

5. The Port of Call ‘Attraction and development of a broad range of social, cultural and economic entities’ identifies community development as a key objective. The development and implementation of the Aboriginal Accord is an activity of community development.

COMMENT/DISCUSSION

6. The Albany Youth Support Association proposes to employ an Aboriginal Youth Worker to assist within the crisis accommodation refuge – Young House, as well as participating on the Juvenile Action Group Program.

7. The Association is making application under the ‘Community Security and Crime Prevention Partnership program’, which requires the application to be under the City of Albany’s name and for the City to administer the funding. Effectively the City of Albany will support the application on behalf of the Association, and have no other involvement or obligation, other than overseeing the administration of the funds and the acquittal / reporting process.

RECOMMENDATION

THAT Council agree to support the Albany Youth Support Association Grant application, under the Community Safer and Crime Prevention Partnership program, to employ an Aboriginal Youth worker.

Voting Requirement Simple Majority

MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR LIONETTI

THAT Council agree to support the Albany Youth Support Association Grant application, under the Community Safer and Crime Prevention Partnership program, to employ an Aboriginal Youth worker.

MOTION CARRIED 15-0
12.2.6 Market Stalls – Middleton Beach

File/Ward : PRO 275 (Breaksea Ward)
Proposal/Issue : Use of Council Reserves for Regular Market Stalls
Subject Land/Locality : Middleton Beach Foreshore
Proponent : Ms D Armanasco
Owner : Crown
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Previous Reference : Nil
Summary Recommendation : That Council support trial
Bulletin Attachment : Nil
Locality Plan : N/A

BACKGROUND

1. Council has received a request from Ms Armanasco to conduct regular markets on a portion of the Middleton Beach foreshore reserve, see attached application details, for the summer and concluding on the 30th April 2004. The proponents conducted a trial market on the foreshore on the 4th January 2004 to ascertain the level of community support for the concept, to assess the suitability of the site for markets and to evaluate any operating deficiencies with the proposal outlined in their application to Council.

2. In the absence of a Council policy on the use of Council reserves for commercially operated produce and craft markets, a similar application by Ms Geddes to use Alison Hartman Gardens was approved by staff for the period from the 13th December 2003 till the 17th January 2004.

STATUTORY REQUIREMENTS

3. Council’s Local Government Property Local Law 2001 states;

“3.13(f) A person shall not without a permit, carry out any trading on local government property unless the trading is conducted;
(i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried out under and in accordance with the permit; or
Item 12.2.6 continued

(ii) by a person who has a licence or permit to carry out trading on local government property under any written law."

POLICY IMPLICATIONS

4. Markets have the capacity to attract residents and visitors to a reserve and to provide an outlet for locals to sell their crafts and produce. Some reserves are capable of handling large crowds without affecting the functionality of the reserve, however they are not attractive to market organisers because they are in more remote locations. Others are well placed to attract large crowds but have the capacity to produce conflicts with normal park users and traffic on adjoining streets.

5. Council has no policy position on allocating public parks for markets or criteria against which individual applications can be judged.

FINANCIAL IMPLICATIONS

6. Council resources are often required to mark out reticulation systems on reserves to avoid staking during marquee erection, to collect the additional refuse placed in rubbish receptacles and to ensure public health standards are being maintained. There is currently no hire charges for the use of a Council reserve prescribed in the City’s budget.

7. A $100 fine can be imposed on any person carrying out a market on a Council property without the appropriate permit.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. One-off events on Council reserves (including annual functions) are currently being assessed by the City’s customer service staff in the absence of Council procedures or policy on this matter. Approvals are being issued where the previous year’s event had not drawn public criticism or staff feel they can make an informed decision on whether the site impacts can be minimised on the day of the event.
Item 12.2.6 continued

10. The use of the Middleton Beach foreshore reserve over the summer period has the potential to limit community access to the City’s primary beach picnic area, decrease available beach car parking spaces and create a precedent for commercial activities on that reserve. It can be equally argued that the facilities at Middleton Beach are only fully utilised on extremely hot days (only several days each summer), the activity adds to the vitality of the space, only a small proportion of the reserve would be used by the market and conditions can potentially be attached to the approval to control the parking of market stall holder vehicles.

11. The problems identified for the Middleton Beach foreshore would conceivably be positive benefits for a market conducted in a Central Business District location and raise the question of whether a uniform policy can be applied, whether each application needs to be treated on its merits or whether the public wishes Council to regulate craft or produce markets on public reserves.

RECOMMENDATION

THAT;

i) Council grant conditional approval, for a trial period commencing on the 23rd January 2004 and concluding on the 30th April 2004, for Ms Armanasco to conduct a produce and craft market on the Middleton Beach foreshore reserve, immediately to the north of the Albany Surf Club building. AND;

ii) staff maintain a record of activities conducted on Council reserves and that a report on the operations of existing markets be delivered during a briefing session at the conclusion of the summer period, identifying the impact of those activities on the reserve, the general public and traffic in the vicinity of the activity.

Voting Requirements Simple Majority

..................................................................................................................
Item 12.2.6 continued.

** MOVED COUNCILLOR JAMIESON
SECOND COUNCILLOR DEMARTEAU

THAT;

i) Council grant conditional approval, for a trial period commencing on the 23rd January 2004 and concluding on the 30th April 2004, for Ms Armanasco to conduct a produce and craft market on the Middleton Beach foreshore reserve, immediately to the north of the Albany Surf Club building. AND;

ii) staff maintain a record of activities conducted on Council reserves and that a report on the operations of existing markets be delivered during a briefing session at the conclusion of the summer period, identifying the impact of those activities on the reserve, the general public and traffic in the vicinity of the activity.

MOTION CARRIED 15-0

THAT Council delegate to the Chief Executive Officer authority to impose conditions on the approval for the Middleton Beach markets dealing with parking requirements, the delineation of the market area, operating periods, refuse collection, access to Council infrastructure and other matters considered essential to the conduct of the market and the safety of the public.

Voting Requirements Absolute Majority

** MOVED COUNCILLOR JAMIESON
SECOND COUNCILLOR PAVER

THAT Council delegate to the Chief Executive Officer authority to impose conditions on the approval for the Middleton Beach markets dealing with parking requirements, the delineation of the market area, operating periods, refuse collection, access to Council infrastructure and other matters considered essential to the conduct of the market and the safety of the public.

MOTION CARRIED 15-0

ABSOLUTE MAJORITY
Item 12.2.6 continued

31st December 2003

To: Committee

Request for Market Stalls At Middleton Beach on Sundays(every second or third weekend till the end of April)

This venue and day was chosen because:
1) A large number of visitors to Albany stay in this area.
2) Nothing much happens on a Sunday
3) Other countries have very successful ‘beach markets’

Our proposed responsibilities:
1) To stay in designated area which will mean a limit on the number of stall holders
2) If foreshore is filling up with people who wish to use the beach, then we remove ourselves, giving priority to beach goers
3) For stall holders, once unloaded, to remove vehicles from parking area in front of Esplanade Hotel to the far reaches
3) Keep area tidy

Possible benefits of market stalls at Middleton Beach:
1) Enable local arts and craft people to make available their products
2) Provide visitors with locally handcrafted mementos and practical items(most of which are unavailable to the public in the ordinary ‘shopping’ sense
Item 12.2.6 continued

3) Give visitors (and locals residents) an interesting attraction

Possible problems with market stalls at Middleton beach

1) Parking. This however should not be a problem because if weather is causing an influx of people to the beach, we, the stall holders, withdraw thus leaving the parking available.

Other comments:

On the submitted stretch are three sites, preferred, which I see as possible Market Stall sites. I have contacted the Surf Club to ask if they would be willing to accommodate Market Stalls. I am waiting an answer from them.

Contact:

Donna Armanasco
PO Box 1392
Albany 6331

Tel: 98531076
Fax: 98531041
Item 12.2.6 continued
12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

Nil.
12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Great Southern Regional Cattle Saleyards Joint Venture Committee meeting minutes – 8th December 2003

File/Ward : REL 087 (Shire of Plantagenet)

Proposal/Issue : Committee Items for Council Consideration.

Reporting Officer(s) : Executive Director Corporate & Community Services (WP Madigan)

Summary Recommendation : That the Minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 8th December 2003 be adopted.

Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee of 8th December 2003.

RECOMMENDATION

THAT the minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 8th December 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

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MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PAVER

THAT the minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 8th December 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 15-0
12.8.2 Community Financial Assistance Committee meeting minutes – 15th December 2003

File/Ward : FIN 022 (All Wards)
Proposal/Issue : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation : That the Minutes of Community Financial Assistance Committee held on 15th December 2003 be adopted.


RECOMMENDATION

THAT the minutes of Community Financial Assistance Committee held on 15th December 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WOLFE

THAT the minutes of Community Financial Assistance Committee meeting minutes held on 15th December 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 15-0

Councillor Evans declared an impartial interest in this item as he and his spouse are involved with groups as identified within the minutes.
13.1 WASTE MANAGEMENT

13.1.1 Waste Minimisation and Green Waste Services Contracts

File/Ward : C02061, C02062, SER 154 (All Wards)

Proposal/Issue : Award Waste Minimisation and Green Waste Services Contracts

Subject Land/Locality : City of Albany

Proponent : City of Albany

Owner : City of Albany

Reporting Officer(s) : Executive Director, Works and Services (B Joynes)
Manager City Services (S Massimini)
Manager of Finance (S Goodman)

Disclosure of Interest : Nil

Previous Reference : OCM 16/12/03 - Item 13.1.1
OCM 17/12/02 - Item 13.1.1
OCM 16/07/02 - Item 13.1.1

Summary Recommendation : Award contract C02061, Waste Minimisation Services to Cleanaway, and part Contract C02062, Greenwaste Services – Collection to Cleanaway, and part contract C02062 Greenwaste Services - Processing to Vancouver Waste Services.

Bulletin Attachment : Nil

Locality Plan : Nil

BACKGROUND

1. At Council’s 16th December 2003 meeting, the following motion was passed:-

“THAT Council lay this matter on the table until the next ordinary meeting of Council, subject to a full briefing being conducted prior to this item being deliberated upon.”
Item 13.1.1 continued

2. A full briefing will be conducted on Tuesday, 13\textsuperscript{th} January 2004 for all Councillors, and this item is therefore brought back to Council for deliberation.

3. Following two years of public consultation, Council engaged Sinclair Knight Mertz in January 2002 to produce a Waste Management Plan that would provide the community with a master plan for the future in waste management. Council, following extended consultation on this plan, including community workshops, adopted the Waste Management Plan by a resolution, at its ordinary meeting dated the 17\textsuperscript{th} December 2002:-

“\textsc{THAT} Council:
\begin{enumerate}
\item adopt the Waste Management Plan, scenario two (2) as tabled;
\item include the following points in addition to scenario two:
  \begin{enumerate}
  \item A rebate to Households that purchase a Compost Bin or Worm farm (one per Household) of $20 per unit, to encourage at-source recycling;
  \item Use a different Coloured Bin for domestic refuse Collections (red or blue), and use a sticker or heat brand on to the existing 240l bin to clearly label it Recycling only;
  \item Build in as much flexibility in the Green Waste Collections as possible within budget limits;
  \item Begin an Education Campaign prior to the full launch (and ongoing during the Contract Period), including an education area in the recycling shed itself for groups, tours and schools; and
  \end{enumerate}
\item formulate tender documents and call tenders for the supply of the Waste Minimisation Contract, and Green Waste Collection and Processing Contract, as soon as possible.”
\end{enumerate}

4. The adoption of the plan also formulated a methodology to deliver the plan in the most effective and efficient manner possible, and as such, two expressions of interest were called for the delivery of the Waste Minimisation Services and Green Waste Services contracts. Council, at its meeting dated 17\textsuperscript{th} June 2003, passed the following:-

“\textsc{THAT} Council request the following organisations be invited to tender for the provision of the following services:
\begin{enumerate}
\item \textit{Waste Minimisation Service}
  \begin{itemize}
  \item Vancouver Waste Services
  \item Albany Waste Disposal
  \item Recycling Company of WA
  \item SITA Environmental Solutions
  \item Cleanaway; and
  \end{itemize}
\item \textit{Greenwaste Collection and Processing}
  \begin{itemize}
  \item Vancouver Waste Services
  \item AD Contractors
  \item Cleanaway.”
\end{itemize}
5. Under the adopted Plan, the rates were estimated to be $216 per urban household and $35 per rural household in the first full year of operation. Council also levied ratepayers with an increase in the Health rate for 2003/04 to allow for the commencement of the Services in early 2004. The rate of $184 for urban and $15 for rural service was based on a pro rata calculation assuming early commencement of the full service.

6. Tender documentation and contracts were formulated through a team consisting of a private expert in waste contracts, Lincolns Accountants, Minter Ellison Lawyers, and City staff over a four month period. The documentation was extremely challenging as it needed to cover many angles and achieve both appropriate risk apportionment but flexibility and innovation. It was made even more difficult by being the first of its kind to roll all services into one contract.

7. In particular, the Green Waste Services Tender called for a minimum service of three kerbside bundled collections per year, but also requested pricing for a more flexible 240L bin collection, and a bulk bag (‘wool bale’) service on a fortnightly basis. As well as these options, tenderers were able to provide alternative tenders that may provide the City with a more flexible service that assisted in delivering Council’s requirements.

8. Particular innovations called for in the Waste Minimisation Tender included the following:

   a) A waste education officer, who continuously liaises with and educates the public, schools, businesses and others throughout the life of the contract;
   b) A contract management committee to allow for flexibility in service delivery should changes be seen that may be beneficial to both parties;
   c) Incentive payments to the contractor for very low contamination rates of the recyclables (education campaign would need to be ideal for this to occur);
   d) Payments by the contractor should contamination be too high;
   e) A blue coloured 140L domestic waste bin;
   f) A new undercover area at Hanrahan Road and Bakers Junction for users to sort off their recyclables before going to the landfill, that is always staffed;
   g) Two kerbside hard waste collections per year from households, to recover all large recyclable goods before they end up in the landfill;
   h) The operation of rural transfer stations for three half days per week, including delivery of waste back to Bakers Junction, and all recyclables to the Material Recovery Facility;
   i) A new automated Material Recovery Facility to cater for the increased volumes of recyclables to be received through the roll out of the new service;
   j) Customer Call Centre where the residents may direct all queries and complaints through an audited system with guaranteed response times;
   k) The replacement of all of the City’s large yellow steel public litter bins with 240L MGB plastic bins that are able to be collected with a side loading truck;
Item 13.1.1 continued

l) Cleaning of City CBD paths (additional to the service currently provided), bins, toilets and BBQ’s through integration with the entire service delivery; and

m) The acceptance of other Council’s co-mingled recyclables for a fixed price for the term of the tender.

9. Tenders were formulated for the Waste Minimisation Contract for eight (8) years, and delivered to the short listed tenderers on the 9th October 2003, and the Green Waste Services Contract for five (5) years, on 23rd October 2003. A mandatory site inspection was held for the Waste Minimisation tenderers on Thursday, 30th October 2003.

10. Tenders closed for the Waste Minimisation Contract on Thursday, 20th November 2003. Whilst only two tenders were received, each of the short listed companies had combined to form alliances to deliver the best tender possible. The tenders were received from Vancouver Waste Services, who utilised SITA Environmental Solutions and Recycling Company of WA as sub contractors to deliver waste collection and recycling sorting respectively, and Cleanaway who had recently purchased a local Albany Waste Disposal company and its assets.

11. Tenders closed for the Green Waste Services Contract on Thursday, 27th November 2003. Tenders were received from Vancouver Waste Services and Cleanaway. Vancouver Waste Services proposed to utilise no subcontractors, whilst Cleanaway proposed to utilise the services of AD Contractors and Custom Composts WA.

12. For both contracts, an evaluation panel was formed consisting of the Executive Director Works and Services, the Manager of Finance and the Manager of City Services. Lincolns Accountants were in attendance for the evaluation to provide advice on corporate and finance matters (particularly financial capacity), and Minter Ellison Lawyers were utilised to provide advice on several legal matters, such as requested contract changes, Buy Local Policy and others.

13. This report provides Council with the outcomes of the tenders, both for the Waste Minimisation and the Green Waste Services Contracts.

STATUTORY REQUIREMENTS

14. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

15. Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).
POLICY IMPLICATIONS

16. The City of Albany Regional Price Preference Policy is applicable to this item. Vancouver Waste Services is entitled to the full 10% allowance, as it is locally based for the qualifying period. Cleanaway has not had a local operation for the required twelve month period and does not qualify for the full discount, however, Cleanaway qualifies for an allowance based on the local content in its contracts.

FINANCIAL IMPLICATIONS

17. The 2003/2004 operating budget contained an allowance of $1.115 million for the commencement of operations of the Waste Minimisation contract in early 2004. The commencement of the new and enhanced service, on 6th April 2004, has resulted in budgeted savings that are recommended to be used to offset the capital cost of providing the most flexible Green Waste Service available. This will assist in reducing the charge per household over the contract term.

18. The December 2002 Council item estimated a rubbish and recycling removal charge of $216 per urban household and $35 per rural property. The estimated cost of the Waste Minimisation Contract and Green Waste Services Contract, using the recommended tenderers would be $199 per urban household and $35 per rural property. For a detailed breakdown, see attachment.

19. The preferred Waste Minimisation tenderer also includes enhanced CBD footpath cleaning, public litter bin and public toilet cleaning services, for a total of $405,000 for 2004/05, compared to the existing service of $349,800 for 2003/04. This is not covered through the household rubbish charge but funded through the normal Council budget process.

20. The proposed tenderers will employ the majority of the current Council employees involved in the service that meet their minimum employment standards. It is still necessary to pay a redundancy payment to those staff that qualify, and an allowance for the cost of the payouts is provided for in the 2003/2004 operating budget – (Works Management). Tenderers have indicated that their wage rates are higher than the rates paid by the City.

21. There is financial risk associated with letting the two contracts to external providers as the City will no longer own the specialised equipment to collect bins, nor the staff to operate specialised recycling equipment. The Waste Minimisation Contract requires a $250,000 unconditional bank guarantee which is to be used to provide an interim emergency service if the contractor is unable to fulfil its commitments. The ownership of all fixed capital reverts to the City in such an instance.
22. Under the contracts, the successful tenderer is required to provide up front capital of an estimated $3.5 million for the provision of trucks, Materials Recovery Facility, bins, sheds, etc. The new 140 litre household bins are provided by the contractor and become the property of the ratepayer, with the cost of the bins amortized over the eight year contract period. The possibility of purchasing the new bins in exchange for a reduced domestic collection rate was considered, however, the return on investment of this option was less than 4%, therefore is not deemed to be an advantage.

23. The contracting of the recycling activity also reduces the exposure of the City to a downturn in the global market for recycled material. The risk associated with these contracts is considered to be very low, with the opportunity to access a service with no up front capital expenditure required. Use of a professional recycling contractor with global contacts assists the City in the goal of maximising its recycling activity and therefore minimising material to landfill.

24. The proposed bio-insert bins for the collection of green waste cost $77.00 each. The tenderer quoted price per household included amortization of the cost of the bins over five years. The proposed tenderer clarified that the greenwaste collection price includes an annual charge per household of $20.59 per annum to supply these bins. The contract documentation does allow for the City to purchase these bins directly, providing this saving for the life of the contract (a 12% return on capital). It is proposed that the City purchase the bins and fund the purchase out of the savings due to the later start of the 2003/04 enhanced service, with the balance from the Refuse Reserve. However, the refuse reserve would be replaced over the life of the contract to reinstate those funds.

**STRATEGIC IMPLICATIONS**

25. This contract delivers all of the services as outlined in Council’s adopted “Waste Management Plan”, and leads to significant long term reduction in waste to landfill.

26. The City of Albany’s Strategic Plan “Albany 2020 – Charting our Course” recognises waste activities in the following ways:

Managed healthy land / harbour environment

**Waste Management**

- To participate in a regional waste program, which is environmentally responsible, cost efficient and effective.

The continual development of Council services and facilities to meet the needs of all stakeholders

**Waste Collection**

- To provide a clean, efficient and effective waste collection service.
Item 13.1.1 continued

COMMENT/DISCUSSION

Waste Minimisation Contract

27. The services that were requested to be provided as part of this tender are:
   a) Weekly collection of domestic waste from 140 litre “blue coloured” mobile
      garbage bins (MGBs) and transportation to a nominated disposal facility;
   b) Fortnightly kerbside collection of domestic recyclables from existing 240
      litre MGBs, acceptance and sorting at the existing materials recovery facility
      (‘MRF’) at the Hanrahan Road Landfill site;
   c) Operation of Rural Waste Transfer Stations, and the establishment and
      operation of Recycling Transfer Stations at Hanrahan Road and Bakers
      Junction;
   d) Establishment and operation of a MRF and a tip shop at the Hanrahan Road
      landfill site;
   e) Two kerbside collections of hardwaste;
   f) Community education program;
   g) Litter bin management and collection;
   h) Cleaning of barbeques and public facilities;
   i) Litter and public facility cleaning during community events;
   j) Service transition plan that covers the period between the award of tender
      and the commencement of the services;
   k) Provision and distribution of 140 litre MGB’s;
   l) Provision of transfer station bins;
   m) Provision of suitable containers for the collection of recyclables at all
      transfer stations and MRF; and
   n) Provision of all vehicles necessary for the fulfilment of the Contract.

Details of Submissions made

Cleanaway

28. Cleanaway provided a comprehensive submission covering all areas of the service
    proposed. They focused on their commitment to the environment, experience in
    the provision of municipal waste services, relationships with other local
governments, regional knowledge, experience in education programs, capability in
management systems, innovations that they have developed and special offers that
they were willing to offer the City should they be successful in receiving the
tender. Cleanaway clearly demonstrated that it had the resources to undertake the
contract given that they currently collect from 140,000 WA premises each week
and provide recycling services to over 290,000 households each fortnight. Their
capability to handle some 3000 calls per month at its customer service centers
from municipal customers demonstrated their experience and resources to deal
with customer enquiries. They have carried out all major components of the Waste
Minimisation service during the 30 years that Cleanaway has been operating.
29. Discounts have also been offered to the City for awarding specific components of the tender and special offers, such as free service for Community events and free provision of an online Website to provide service information.

30. Cleanaway also made a number of qualifications concerning the contract and these were relayed to Minter Ellison for legal assessment. Some of these qualifications have been rejected while others required clarification. Materially however, these items are not considered significant in costing for the total service.

31. Cleanaway have also recently purchased a local Albany business to provide a base for their operations and show their commitment to the region.

32. Details were provided on employment prospects for staff that will be made redundant with the outsourcing of the service. Cleanaway will require more staff than are currently employed by the City to provide the service, and they expect to source all staff locally. Council staff will be given the opportunity to be employed, subject to Cleanaway’s selection and recruitment processes. Cleanaway are also aware of the provisions concerning transmission of business.

33. A reference check was made with the City of Bayswater, Town of Cambridge and City of Mandurah, and all spoke extremely highly of the services provided by Cleanaway. These ranged from domestic refuse to recycling to greenwaste and in value from $700,000 to $4.5 million per year. Contracts dated back as far as 1986 and some continue to the year 2013.

34. Cleanaway addressed all relevant areas of the schedules attached to the tender which contained the detailed proposal information. Timelines have been provided for the implementation of the service and it is expected that collection services will be commencing on the 6th April 2004.

Vancouver Waste Services

35. Vancouver Waste Services provided details covering all areas of the Waste Minimisation service. In their proposal, an alliance was formed with SITA Australia and Recycling Company of WA Pty Ltd (RCWA) to provide the full suite of services requested by Council through the tender. Vancouver Waste Services would be the principal contractor and would be the contractor with overall responsibility for the tender. Both SITA and RCWA have both had extensive experience in the waste industry, SITA in the collection and RCWA in the processing of recyclables. However, for the purpose of the tender, Vancouver Waste Services were to be considered as the principal tender agent and they are responsible for the day to day operations and for organising the service while SITA and RCWA would be subcontractors to Vancouver Waste Services.
Item 13.1.1 continued

36. The submission has broken the service into three components with SITA carrying out collection services, provision of education program and promotions including recycling, provision of customer service centre and route planning for the collection service. RCWA would construct and operate the MRF, collect receptacles from the recycling transfer stations at Hanrahan Road and Bakers Junction, as well as transport and sell recyclables.

37. Vancouver Waste Services would undertake the balance of work and be overall responsible for the service. SULO were also nominated as a subcontractor to supply the bins, assemble and deliver to households, distribute household information packs and place new stickers on existing MGB bins.

38. Armogedin Pty Ltd (parent company) has undertaken various works over the years and currently has a contract to manage the Bakers Junction landfill for the City of Albany. This service has been identified as the primary source of waste management experience. They have had the contract since 1999 and the term will end next year. The service involved the day to day running of the landfill, gate services and ensuring compliance with the DEP license conditions.

39. The City of Albany has been nominated as a referee for this service. They have provided an acceptable service in the last 15 months, since improvements were requested to the service.

40. The report provided adequate detail on what was proposed for the service to be undertaken by Vancouver Waste Services. Financial capability to sustain and/or perform the complete service, should one of the primary subcontractors opt out, was a concern. However, the Directors of Armogedin Pty Ltd (parent company) have submitted their personal assets as part of the submission to provide security and a letter of comfort from a lending institution stating that they could borrow up to $2 million dollars for the acquisition of plant and equipment.

41. There is a query relating to the ability of Vancouver Waste to support the large capital raising required for the contract. Whilst there appears to be enough liquidity, the financial information supplied is contradictory and difficult to assess.

42. Vancouver Waste Services have advised that they will require 4 employees to operate the MRF and 3 drivers for the collection service. This would mean that some of the existing staff would not be incorporated into the new workforce.

43. Vancouver Waste Services are confident of meeting a full roll out of the service by the 6th of April 2004.
Item 13.1.1 continued

**Assessment of Tenders**

44. The assessment of the tenders received comprised two principal components, being compliance with the tender documents, and qualitative criteria as outlined within the tender. Listed below is a table detailing the description of the criteria and whether the tender meets it.

45. An assessment has now been made using qualitative criteria to assess the submissions. This table is listed below and contains the criteria and proportion that each has been assigned and used to assess the applications by the team on each of the tenders.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial benefit to the City and eligibility of the tenderer to claim</td>
<td>30%</td>
</tr>
<tr>
<td>the City of Albany’s Buy Local Policy</td>
<td></td>
</tr>
<tr>
<td>Business Capability,</td>
<td>15%</td>
</tr>
<tr>
<td>Experience and skill of the Tenderer</td>
<td></td>
</tr>
<tr>
<td>Customer Service</td>
<td>15%</td>
</tr>
<tr>
<td>Reliability of the Tenderer</td>
<td>10%</td>
</tr>
<tr>
<td>Quality of Services Offered</td>
<td>10%</td>
</tr>
<tr>
<td>Education programs proposed</td>
<td>10%</td>
</tr>
<tr>
<td>Transition plan and methodology for implementation</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

46. The proportions used for each of the assessment criteria were based on the needs of the service as well as to ensure that sufficient weighting on cost would be applied. For a service such as this, which involves both the provision of existing, as well as new and enhanced services, it was imperative that the assessment provided a broad and comprehensive detailed evaluation of the submissions made. The following areas were reviewed in each of the criteria, specifically:

- **Financial benefit to the City and eligibility of the tenderer to claim the City of Albany’s Buy Local Policy** – This involved a review of the overall costs associated with the tender and its comparison with the other tenderers submitted prices. Prices had been submitted for the construction of recycling transfer stations at Hanrahan Road and Bakers Junction Transfer Stations, supply of transfer station hook lift bins, supply and distribution of 140L MGB bins. Prices were submitted for the provision of services to process co-mingled recyclables from other local government authorities, collect household domestic waste and recyclables, process recyclables, provide special collection services for disabled residents, collect waste and recyclables from transfer stations, collection of waste from public litter bins, clean bus shelters, collect litter and roadside animal kill, supply and collect bins and clean public facilities used in community events, clean public BBQ’s and toilet facilities, clean footpaths in the CBD area and provide a price for collection.
Item 13.1.1 continued

of bulk kerbside waste. It was also important to assess the Buy Local Policy claims made by the tenderers to ensure that what was claimed is applicable.

- **Business Capability, Experience and Skill of the Tenderer** – This involved the management and technical experience of each of the tenderers, demonstrated skill in a related service, details of similar work, issues that have arisen in past similar projects, proven track record and the experience of personnel to be involved in the task.

- **Customer Service** – Proven ability, complaints process, service charters, resources to be provided for the service, recording and communication systems to be used were analysed.

- **Reliability of the Tenderer** – ability of the tenderer to have completed similar works and services in prior contracts, the capability of the tenderer to meet its existing commitments and those required under this contract.

- **Quality of Services Offered** – The assessment team looked at the tenderers understanding of the quality specifics pertaining to the services being provided, measures to be applied to ensure compliance, any formal qualification obtained or progression towards achieving, and Occupational Health and Safety systems to be applied.

- **Education programs proposed** – Factors used in assessing this area required an understanding of the outcomes and resources to be provided to the program, incorporation of existing programs, provision of an Education Officer and communication methods to be used.

- **Transition plan and methodology for implementation** – A detailed program had to be submitted outlining the transition from the existing to new service, how this was to be managed, when the services were to be provided and how is the transition to be communicated to the community.

**Results of Waste Minimisation Tenders**

47. The assessment team met to discuss and scored the submitted tenders using the criteria as outlined. The final scores for each of the tenders, using the criteria listed was as follows:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vancouver Waste Services</td>
<td>43.7</td>
</tr>
<tr>
<td>Cleanaway</td>
<td>72.3</td>
</tr>
</tbody>
</table>

48. The tendered costs (excluding GST) were as follows:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Vancouver Cost</th>
<th>Cleanaway Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total tendered cost per annum</td>
<td>$ 2,268,822</td>
<td>$ 1,776,331</td>
</tr>
<tr>
<td>Less: Buy local discount</td>
<td>($ 226,882)</td>
<td>($ 63,948)</td>
</tr>
<tr>
<td><strong>Net tender price</strong></td>
<td><strong>$ 2,041,940</strong></td>
<td><strong>$ 1,712,383</strong></td>
</tr>
</tbody>
</table>
49. From the point scores obtained, Cleanaway is the recommended tender based upon price and the selection criteria by the assessment team. The principal areas of strength identified in the submission made by Cleanaway were:
- Cost
- Business Capability, Experience and Skill of the Tenderer
- Reliability of the Tenderer
- Quality of Services Offered

50. Cleanaway is recommended to undertake the full services except for high pressure street cleaning, as their submitted price of $44,000 was considered far too expensive. Council would seek independent contractors to undertake this task annually.

Green Waste Contract

51. The services that were requested to be provided as part of this tender are;
   a) the provision of a bundled kerbside greenwaste collection service at least three times per year.
   b) the collection of greenwaste from drop off points including the City of Albany’s Rural Transfer Stations.
   c) The contractor may also choose to provide an alternative collection option which may include (but is not limited to) a fortnightly kerbside collection using 240 litre MGB’s or bag system; or a large bag system (‘wool bale’).
   d) The kerbside collection service is to be provided to all households currently receiving a domestic waste collection service (maps and service days provided in the service maps, and street listings document attached for guidance). The City has approximately 11,800 residents receiving a domestic collection service. It is expected that not all residents may request a greenwaste service. Tenderers need to estimate what they consider the minimum service threshold would be to make the service viable.
   e) the operation of greenwaste processing facilities. Processing options may include (but are not limited to) compost, waste to energy, mulch, fertilisers, soil conditioners, or such other products that the tenderer can substantiate as recycling, to the City.
   f) customer service provisions must provide a high level of customer satisfaction with the greenwaste service, develop and maintain a customer complaint process, ensure adequate resources are made available for customer feedback, and develop a customer services recording and communication system.
   g) the provision of user and community education programs that educate the community on the benefits of greenwaste recycling, the importance of keeping greenwaste out of landfill and the environmental impact and sustainability of reusing organic material within the region of its origin.
   h) marketing and promotion strategy for the collection of greenwaste and the sale of recycled products as a result of the service.
Item 13.1.1 continued

**Details of Submissions Made**

**Cleanaway**

52. Cleanaway have provided two conforming tender submissions. The first submission is for a collection service through a bundled kerbside bulk pick up three times per year. A second submission is for a collection service through a specialised 240L MGB kerbside pick up every four weeks.

53. The specialized 240L MGB is a Cleanaway innovation in Australia and has undertaken extensive trials in several other local authorities. The 240L MGB is named a BIO-Insert bin (MGB) and works through vents installed into an existing 240L bin and an insert placed inside the bin that allows for aeration and ease of emptying. The experience with the BIO-Insert have shown that the bins need to only be collected four-weekly when collecting greenwaste only and two-weekly when collecting a combination of greenwaste and kitchen organics.

54. Cleanaway proposes to use AD Contractors for mulching and Custom Composts for composting. Custom Composts are a well known producer of quality mulched products and would be able to supply a sustainable market for the life of the contract.

55. Cleanaway’s proposal is to primarily mulch (downsize) all collected material at Hanrahan Road or Bakers Junction before being transported off-site to be further refined and processed. There is a lack of information in the tender concerning processing, and whilst AD Contractors currently mulches material throughout the City, it is circumspect whether they would be able to process the large volumes of material to Australian Standards and provide sustainable markets for the life of the contract.

56. Details of the processing location have not been provided. As such, it is not possible to assess whether residents would be able to deliver the material directly to the processing site and therefore save transport costs to the City.

**Vancouver Waste Services**

57. Vancouver Waste Services have provided one conforming tender submission for a collection service through a bundled kerbside bulk pick up three times per year. The proposal is to process all of the material at their John Street property and resell the product through their existing garden and soil business on the site as well as developing new markets.

58. The John Street site allows for residents to deposit greenwaste directly at the processing site and save on transportation costs to the City.
Assessment of Tenders

59. The assessment of the tenders received comprised two principal components, being compliance with the tender documents, and qualitative criteria as outlined within the tender. Listed below is a table detailing the description of the criteria and whether the tender meets it.

60. An assessment has now been made using qualitative criteria to assess the submissions. This table is listed below and contains the point scores assessed by the team on each of the tenders.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial benefit to the City and eligibility of the tenderer to claim the City of Albany’s Buy Local Policy</td>
<td>40%</td>
</tr>
<tr>
<td>Business Capability and Experience and Skill of the Tenderer</td>
<td>20%</td>
</tr>
<tr>
<td>Sustainability of the Processed product</td>
<td>20%</td>
</tr>
<tr>
<td>Customer Service</td>
<td>10%</td>
</tr>
<tr>
<td>Reliability of the Tenderer</td>
<td>5%</td>
</tr>
<tr>
<td>Education programs proposed</td>
<td>5%</td>
</tr>
</tbody>
</table>

61. The following areas were reviewed in each of the criteria, specifically:

a) Financial benefit to the City and eligibility of the tenderer to claim the City of Albany’s Buy Local Policy – This involved a review of the overall costs associated with the tender and its comparison with the other tenders submitted prices. Prices had been submitted for the provision of a minimum of three (3) bundled kerbside collections per year, collection of greenwaste from transfer stations, processing of greenwaste from households, processing of commercial greenwaste and a price for the provision of topsoil and mulch to the City. Two options were also requested to be priced as part of the tender. These were collection of household greenwaste using a 240L MGB and monthly collection using a bag system. It was also important to assess the Buy Local Policy claims made by the tenderers to ensure that what was claimed is applicable.

b) Business capability, experience and skill of the Tenderer – This involved the management and technical experience of each of the tenderers, demonstrated skill in a related service, details of similar work, issues that have arisen in past similar projects, proven track record and the experience of personnel to be involved in the task.

c) Sustainability of the processed product – This factor examined the viability and sustainability of the processed product in the marketplace, associated quality standards for those products and Occupational Health and Safety systems.
Item 13.1.1 continued

d) **Customer Service** – Proven ability, complaints process, service charters, resources to be provided for the service, recording and communication systems to be used were analysed.

e) **Reliability of the Tenderer** – Ability of the tenderer to have completed similar works and services in prior contracts, the capability of the tenderer to meet its existing commitments and those required under this contract.

f) **Education programs proposed** – Factors used in assessing this area required an understanding of the outcomes and resources to be provided to the program and communication methods to be used.

**Results of Greenwaste Services Tender**

62. The final scores for each of the tenders, using the Criteria listed was;

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vancouver Waste Services</td>
<td>60.7</td>
</tr>
<tr>
<td>Cleanaway</td>
<td>57.0</td>
</tr>
</tbody>
</table>

63. The tendered costs (excluding GST) were as follows:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Bundled</th>
<th>Bundled</th>
<th>Bins</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vancouver Waste Services</td>
<td>$363,710</td>
<td>$489,356</td>
<td>$475,981</td>
</tr>
<tr>
<td>Cleanaway</td>
<td>$36,371</td>
<td>$6,851</td>
<td>$6,664</td>
</tr>
<tr>
<td>Bins *</td>
<td>$327,339</td>
<td>$482,505</td>
<td>$469,317</td>
</tr>
</tbody>
</table>

* This does not include the capital purchase of the BIO-Insert bins at $70 (excluding GST).

64. Throughout the public consultation stages of the Waste Management Plan, and through contact received through mail, personal contact and attendance at meetings with ratepayers, residents and various associations, the most common concern was always the ability of the City cater for the resident’s greenwaste disposal. Most were very concerned that a bundled kerbside collection would be inadequate to service their needs. As such, Council requested at its December 2002 meeting that the Greenwaste Service be as flexible as possible within budget limits, and also that a household rebate be made available for compost bins or worm farms for $20 per unit to encourage at source recycling.

65. The tenderers were requested to provide a bin service price or the wool bale service, or any other service the tenderer believed was flexible and advantageous to the City’s residents, to allow for maximum flexibility. Only Cleanaway provided this service and its cost is within budget, and when combined with the Waste Minimisation tender recommendation, is an estimated $17 per household under budget.
66. One tender submitted by Cleanaway proposes to use an innovative new bin insert into a new 240L MGB (BIO-Insert). This insert allows the bin to “breath” to minimise anaerobic conditions and therefore odours, and allows for a monthly collection (rather than a fortnightly collection).

67. Trials have also been undertaken within Australia to combine kitchen organics in the bin, and collecting this fortnightly, allowing therefore the domestic rubbish collection to be undertaken only fortnightly. These trials are proving successful, and results will be analysed into the future.

68. However, there are concerns over Cleanaway’s proposal to mulch the collected product, as there have been no details specifically in the tendered documents. Subsequent clarifications have highlighted that AD Contractors intended to “Tub Grind” all of the material at Hanrahan Road and Bakers Junction before being taken offsite for processing to an unknown location. There is also no evidence of how the contractor is to ensure that the product is sustainably marketed or sold. The cost is also significantly more than expected and not justifiable.

69. The submission through Vancouver Waste Services offers a less expensive and far less effective bulk collection service. The bulk collections would not have the flexibility of the Cleanaway BIO-Insert proposal.

70. The processing option that Vancouver Waste has tendered is appropriately priced and appears to be far more efficient and effective in terms of a sustainable solution to marketing and product re-use. The Vancouver Waste proposal also allows for residents to drop off greenwaste directly to their John Street processing site, that is centrally located and convenient to the majority of residents.

71. The John Street site would still need to obtain the necessary approvals, although preliminary work undertaken by Vancouver Waste indicates that approvals are possible up to 1000m$^3$ of material at any time. Their proposal is to therefore seek an overflow processing site at either the Water Corporation’s Timewell Road site, or Bakers Junction. The John Street site, will have a covered horizontal shredding machine that is enclosed in a shed to reduce noise and odour.

72. The proposal by Vancouver Waste is based upon Council paying for the processing of all kerbside domestically collected greenwaste, and domestically delivered greenwaste (through a single use greenwaste pass) directly to John Street at $4.40 per m$^3$ (minimum 15,000m$^3$). All domestically delivered greenwaste (without a pass) to the site is to be charged at $6.60 (GST inc.) and commercial greenwaste at $11.00 (GST inc.). Both are not expected to exceed 30,000m$^3$ in any one year.
73. This processing proposal by Vancouver Waste would allow Council to issue every urban household with a free single use greenwaste pass (up to one car trailer load), with every domestic load delivered without a pass, paying Vancouver Waste directly $6.60m\(^3\). For greenwaste delivered to Council’s landfills, a transport loading fee of an additional $6.60 would be payable. This is to encourage residents to deposit greenwaste directly to John Street, or pay for the cost of Vancouver Waste collecting it from Hanrahan Road or Bakers Junction and delivering it to the John Street site.

74. Therefore, it is recommended that the best possible solution for the Greenwaste Service is seen as a hybrid of a BIO-Insert 240L bin for residents collected four weekly by Cleanaway, and a processing service supplied by Vancouver Waste.

75. The estimated cost for this service, based on estimated throughputs are:

<table>
<thead>
<tr>
<th>Cleanaway</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Verge pickup (bin service 4 weekly)</td>
<td>$ 170,535</td>
</tr>
<tr>
<td>Vancouver Waste</td>
<td></td>
</tr>
<tr>
<td>Green Waste transport ex Hanrahan Road &amp; Bakers Junction</td>
<td>30,000</td>
</tr>
<tr>
<td>Green Waste Processing</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total Green Waste Contract Cost</strong></td>
<td><strong>$ 300,535</strong></td>
</tr>
</tbody>
</table>

76. The costs supplied by both tenderers for the supply of a bulk greenwaste service to the rural transfer stations is seen as cost prohibitive (lowest price of $33,000 to collect and $9,000 to process) compared to the volumes expected to be collected. The cost per rural household would have to increase from $35 to $63 to cover these costs and this is most likely unacceptable to the majority of rural householders who have the ability through larger land holdings to treat their own greenwaste onsite.

77. Under the recommendations, all of the bins (140L domestic, 240L recycling, 240L BIO-Insert greenwaste) become the sole property of the ratepayer upon delivery. All new households that are serviced after the commencement date will need to supply their own complying bins (available locally).

78. The recommended provision of Greenwaste Services provides an extremely flexible service that allows for the processing and mulching of all collected greenwaste. As such, the proposed rebate for purchases of compost bins and worm farms of $20 per unit, has not been included in any of the budgets proposed. It is recommended that the commencement of any rebate be withheld until the impact of the new service can be assessed.

79. A number of ratepayers have expressed concern over any greenwaste service that may be provided by the City as they live in multiple dwelling properties (too many bins and no greenwaste produced), or large acreages of land (able to sustain their own greenwaste processing). It is therefore proposed that the City offer all
Item 13.1.1 continued

ratepayers with a multiple dwelling site, or land over 4000m², that can demonstrate their ability to manage all of their greenwaste within their properties, the opportunity to apply for a reduction in the health rate of $14.00 per household per year for the term of the contract, commencing in 2004/05. This would be achieved through requesting these ratepayers apply to Council prior to the start of the contract to be removed from the greenwaste service.

Summary

80. The recommended contractors will provide a service that delivers all of the requirements of Council’s adopted Waste Management Plan. Further, the use of the specialized BIO-Insert bins provides an extremely flexible greenwaste service as requested by the community, and allows for potential kitchen-organic collections in the future. The impact of the total service on landfill would be to extend the life of both Hanrahan Road and Bakers Junction sites up to 6 years, saving an estimated $9 million dollars over the 15 year period in transportation costs to a regional landfill facility.

81. The service is the first of its kind in Australia in that one contract has been let for the total provision of all waste minimization services. The benefit of combining community education, public consultation, school participation with recycling (both commercial and domestic) through one service delivery mechanism would provide a sustainable solution to diverting waste from landfill and maximising reuse of currently wasted products. Combining all collection services (domestic refuse, recycling, greenwaste, public litter bins) provides significant integration benefits and cost savings to Council.

82. The projected budget utilizing the recommended contractors proposes a sustainable health rate of $199 per household per year. This has included the costs of a free single use refuse tip pass to a maximum of 1 cubic metre, and a free greenwaste tip pass (at the processing site) up to 2 cubic metres to discourage illegal dumping and promote appropriate waste management techniques.

RECOMMENDATION 1.

THAT Council awards contract C02061 - Waste Minimisation Service to Cleanaway, with the exception of the annual high pressure footpath cleaning, priced as follows:

i) Hanrahan Road Recycling Transfer Station Construction $65,828
ii) Bakers Junction Recycling Transfer Station Construction $30,944
iii) Supply and delivery of 7 hook lift bins $70,340
iv) Price per tonne to process recyclables from other local authorities $44
v) Price to lease land at Hanrahan Road for recycling activities per annum $1
Item 13.1.1 continued

vi) Hanrahan Road Tip Shop construction $27,964
vii) Price per service per MGB for:
   a) weekly rubbish collections of 140L MGBs including bin supply $0.7502
   b) each additional collection requested $0.8712
   c) fortnightly collection of recyclables of 240L MGBs $1.2307
   d) each additional collection requested $1.2307
   e) weekly collection of 140L MGBs from difficult access areas $2.1019
   f) weekly collection of 140L MGBs for special service residents $2.1019
viii) Transfer Station set-up $8,635
ix) Transfer Station operations per annum $238,566
x) Transfer Station refuse transfer per annum $74,000
xi) Litter management per annum $156,745.16
   a) for each additional bin per service $3.685
   b) call out fee for bus shelters $176
   c) call out fee for dead animal removal –
      0-10kg $11
      10-30kg $16.50
      above 30kg $33
   d) cost per hour for roadside litter collection $44
xii) Servicing community events as listed $0
   a) per bin collection $0
   b) per public toilet and shower cleaning $0
xiii) Public facility servicing per annum $218,808
   a) call out fee for additional services $176
   b) for every new ablution block per service $27
xiv) Barbeque service cleaning per annum $45,914
   a) additional services call out fee $176
   b) for every new BBQ added, per service $9.90
   c) response time 4 hours
xv) CBD footpath and street furniture cleaning per annum $42,350
xvi) Two bulk kerbside collections of hardwaste per annum $76,000
xvii) Payment to the City for commercial recycling per tonne $11

AND
Item 13.1.1 continued

THAT Council awards contract C02062 – Greenwaste Services as follows;

i) accepts the alternative tender from Cleanaway to provide a four-weekly collection service utilizing a BIO-Insert MGB for $16,014 per household per year, providing that Council pays for the supply and delivery of the BIO-Insert MGB’s upfront for $77 each;

ii) accepts the tender from Vancouver Waste Services for the collection of Greenwaste from Hanrahan Road Landfill site for $88.00 per receptacle collection (including receptacle) and Bakers Junction Landfill site for $99.00 per receptacle collection (including receptacle), for an estimated $30,000 per annum;

iii) accepts the Tender from Vancouver Waste Services for the processing of greenwaste, delivered directly to their John Street Processing Site, for an estimated $100,000, priced as follows;
   a) $4.40/m$^3$ for kerbside collected greenwaste, payable by the City of Albany,
   b) $4.40/m$^3$ for domestic greenwaste with a Greenwaste Processing Pass (one per household per year up to 2m$^3$), payable by the City of Albany,
   c) $6.60/m$^3$ for domestic greenwaste without a Greenwaste Processing Pass, payable by the resident delivering the material, to Vancouver Waste Services, and
   d) $11.00/m$^3$ for all commercial greenwaste, payable by the commercial operator to Vancouver Waste Services;

iv) accepts the Tender from Vancouver Waste Services for the provision of processed materials to the City of Albany as follows;
   a) Topsoil at $22 per ton,
   b) Mulch at $82.50 per ton; and

iv) not accept any tender for the collection of greenwaste from rural Transfer Stations.

AND
Item 13.1.1 continued

THAT Council offer a reduction in the urban health rate in 2004/05 of $14 per household per year until the end of the proposed greenwaste contract for ratepayers in multiple dwelling units that can demonstrate that they have no need of this service or for ratepayers with land holdings greater than 4000 m² that can demonstrate that they can manage their produced greenwaste within their own property sustainably. For the qualifying ratepayers, a BIO-Insert bin would not be provided.

AND

THAT Council considers the provision of a free single use refuse tip pass to a maximum of 1 cubic metre, and a free greenwaste tip pass (at the processing site) up to 2 cubic metres for all urban households in the 2004/05 budget.

Voting Requirement Simple Majority

…………………………………………………………………………………………

RECOMMENDATION 2.

Authorise the purchase of a $77.00 BIO-Insert MGB for each qualifying household paying the Urban Rubbish Rate as at 6th April 2004 from Cleanaway, where the bins are to become the property of the ratepayer for greenwaste collections, and reallocate up to $320,000 from the Refuse Reserve to cover additional cost, whereby such funds are to be returned to the reserve over the five year life of the contract.

Voting Requirement Absolute Majority

…………………………………………………………………………………………

Councillor Lionetti left the Chambers at 9.02pm.

Councillor Lionetti returned to the Chambers at 9.04pm.

Chief Executive Officer left the Chambers at 9.06pm.

Chief Executive Officer returned to the Chambers at 9.08pm.
** MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR JAMIESON  

THAT Council awards contract C02061 - Waste Minimisation Service to Cleanaway, with the exception of the annual high pressure footpath cleaning, priced as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Hanrahan Road Recycling Transfer Station Construction</td>
<td>$65,828</td>
</tr>
<tr>
<td>ii) Bakers Junction Recycling Transfer Station Construction</td>
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<td></td>
</tr>
<tr>
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</tr>
<tr>
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<tr>
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</tr>
<tr>
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<tr>
<td>b) call out fee for bus shelters</td>
<td>$176</td>
</tr>
<tr>
<td>c) call out fee for dead animal removal –</td>
<td></td>
</tr>
<tr>
<td>0-10kg</td>
<td>$11</td>
</tr>
<tr>
<td>10-30kg</td>
<td>$16.50</td>
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<tr>
<td>above 30kg</td>
<td>$33</td>
</tr>
<tr>
<td>d) cost per hour for roadside litter collection</td>
<td>$44</td>
</tr>
<tr>
<td>xii) Servicing community events as listed</td>
<td>$0</td>
</tr>
<tr>
<td>a) per bin collection</td>
<td>$0</td>
</tr>
<tr>
<td>b) per public toilet and shower cleaning</td>
<td>$0</td>
</tr>
<tr>
<td>xiii) Public facility servicing per annum</td>
<td>$218,808</td>
</tr>
<tr>
<td>a) call out fee for additional services</td>
<td>$176</td>
</tr>
<tr>
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<td>$27</td>
</tr>
</tbody>
</table>
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   a) additional services call out fee $176  
   b) for every new BBQ added, per service $9.90  
   c) response time 4 hours

xv) CBD footpath and street furniture cleaning per annum $42,350

xvi) Two bulk kerbside collections of hardwaste per annum $76,000

xvii) Payment to the City for commercial recycling per tonne $11

AND

THAT Council awards contract C02062 – Greenwaste Services, with the exception of greenwaste collection from rural Transfer Stations, as follows;

i) accepts the alternative tender from Cleanaway to provide a four-weekly collection service to all households for $16.014 per household per year, providing that Council pays Cleanaway for the supply and delivery of the BIO-Insert MGB’s upfront for $77 each, to every urban household other than those who do not wish to have one delivered;

ii) accepts the tender from Vancouver Waste Services for the collection of Greenwaste from Hanrahan Road Landfill site for $88.00 per receptacle collection (including receptacle) and Bakers Junction Landfill site for $99.00 per receptacle collection (including receptacle), for an estimated $30,000 per annum;

iii) accepts the Tender from Vancouver Waste Services for the processing of greenwaste, delivered directly to their John Street Processing Site, for an estimated $100,000, priced as follows;

   a) $4.40/m³ for kerbside collected greenwaste, payable by the City of Albany,
   b) $4.40/m³ for domestic greenwaste with a Greenwaste Processing Pass (one per household per year up to 2m³), payable by the City of Albany,
   c) $6.60/m³ for domestic greenwaste without a Greenwaste Processing Pass, payable by the resident delivering the material, to Vancouver Waste Services, and
   d) $11.00/m³ for all commercial greenwaste, payable by the commercial operator to Vancouver Waste Services;

iv) accepts the Tender from Vancouver Waste Services for the provision of processed materials to the City of Albany as follows;

   a) Topsoil at $22 per ton,
   b) Mulch at $82.50 per ton; and
AND

THAT Council offer a reduction in the urban health rate in 2004/05 of $14 per household per year until the end of the proposed greenwaste contract for ratepayers who do not wish to receive the BIO-Insert bin by way of notification to Council prior to ordering of the bins. For these ratepayers, a BIO-Insert bin would not be provided, but they may rejoin the service at any time by purchasing a BIO-Insert bin themselves.

AND

THAT Council considers the provision of a free single use refuse tip pass to a maximum of 1 cubic metre, and a free greenwaste tip pass (at the processing site) up to 2 cubic metres for all urban households in the 2004/05 budget.

MOTION CARRIED 8-7

Reason:

- This would allow those residents who do not wish to have a third bin, to opt out of the delivery of this bin and save $14 per year. At any time, these ratepayers or residents can elect to rejoin the service by supplying their own 240L BIO-Insert bin.

This recommendation provides a service that residents have been seeking for years, and allows those people who regularly garden to dispose of their greenwaste easily, without contaminating their smaller bin. This also allows maximum diversion from landfill of a re-usuable, recyclable product, and extends the life of our limited landfills.
ANALYSIS OF ANNUAL RUBBISH CHARGE

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rubbish services</td>
<td>112.56</td>
</tr>
<tr>
<td>Greenwaste services</td>
<td>25.66</td>
</tr>
<tr>
<td>Tip Operations (net of revenue)</td>
<td>22.76</td>
</tr>
<tr>
<td>Tip Regeneration</td>
<td>16.95</td>
</tr>
<tr>
<td>Greenwaste Bin purchase (reserve replacement)</td>
<td>5.42</td>
</tr>
</tbody>
</table>

Other City costs
- Administration                        | 2.54   |
- Loan Servicing - Transfer Stations     | 1.64   |
- York St High Pressure Clean            | 1.02   |

Transfer to Reserve                     | 7.23   |
Capital Works (Various)                 | 3.22   |

**Required Household Rubbish charge**   | **199.00**

WASTE PROJECTED ANNUAL BUDGET

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste minimization contract</td>
<td>1,801,397</td>
</tr>
<tr>
<td>Green Waste Contract</td>
<td>302,741</td>
</tr>
<tr>
<td>Tip Operations - Net of revenue</td>
<td>267,707</td>
</tr>
<tr>
<td>York St High Pressure Cleaning</td>
<td>12,000</td>
</tr>
<tr>
<td>Public Conveniences Building Maint./insurance</td>
<td>47,035</td>
</tr>
<tr>
<td>Waste Administration</td>
<td>30,000</td>
</tr>
<tr>
<td>Loan Servicing</td>
<td>18,910</td>
</tr>
<tr>
<td>Capital Works</td>
<td>50,000</td>
</tr>
<tr>
<td>Tip Regeneration</td>
<td>200,000</td>
</tr>
<tr>
<td>Transfers to reserves - Green Waste Bin Recovery</td>
<td>63,984</td>
</tr>
<tr>
<td>- Operations</td>
<td>86,236</td>
</tr>
</tbody>
</table>

Funded ex:
- Domestic Rubbish Charge ($199.00)                    | (2,348,200)|
- Rural Waste Charge ($35.00)                          | (52,500)  |
- Resource Recovery Rebate Scheme                      | (15,000)  |
- Sanitation budget ex Council funds                   | (464,310) |

(0)
## Tenders - Financial Summary (excluding GST)

### Waste Minimization Tender

<table>
<thead>
<tr>
<th>Service</th>
<th>Vancouver</th>
<th>Cleanaway</th>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rubbish Collection</td>
<td>681,116</td>
<td>489,051</td>
<td>Cleanaway 489,051</td>
</tr>
<tr>
<td>Recycling Collection</td>
<td>656,197</td>
<td>343,094</td>
<td>Cleanaway 343,094</td>
</tr>
<tr>
<td>Recycling Operations</td>
<td>187,920</td>
<td>177,383</td>
<td>Cleanaway 177,383</td>
</tr>
<tr>
<td>Hanrahan Road / Bakers</td>
<td>69,000</td>
<td>80,878</td>
<td>Cleanaway 80,878</td>
</tr>
<tr>
<td>Rural Tips</td>
<td>129,310</td>
<td>211,559</td>
<td>Cleanaway 211,559</td>
</tr>
<tr>
<td>Bulk Collection</td>
<td>158,000</td>
<td>69,091</td>
<td>Cleanaway 69,091</td>
</tr>
<tr>
<td>Litter Bins</td>
<td>112,000</td>
<td>142,495</td>
<td>Cleanaway 142,495</td>
</tr>
<tr>
<td>Public Conveniences / Barbeques</td>
<td>118,000</td>
<td>198,916</td>
<td>Cleanaway 198,916</td>
</tr>
<tr>
<td>Other Sanitation</td>
<td>157,279</td>
<td>128,495</td>
<td>Cleanaway 128,495</td>
</tr>
<tr>
<td>Discount</td>
<td>0</td>
<td>(64,785)</td>
<td>Cleanaway (64,785)</td>
</tr>
<tr>
<td><strong>Total Waste Minimization</strong></td>
<td>2,268,822</td>
<td>1,776,331</td>
<td>1,776,331</td>
</tr>
</tbody>
</table>

Less: Regional content (226,882) 36% (63,948) (6,664)

**Net Contract Cost (excl GST)** 2,041,940 1,712,383

### Green Waste Tender

<table>
<thead>
<tr>
<th>Service</th>
<th>Vancouver</th>
<th>Cleanaway Bundled</th>
<th>Cleanaway Bundled</th>
<th>Cleanaway Bins</th>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verge pickup</td>
<td>175,710</td>
<td>183,910</td>
<td>170,535</td>
<td>Cleanaway 170,535</td>
<td></td>
</tr>
<tr>
<td>Transfer Station - ex Hanrahan / Bakers</td>
<td>38,000</td>
<td>138,000</td>
<td>138,000</td>
<td>Vancouver 30,000</td>
<td></td>
</tr>
<tr>
<td>Transfer Station - ex Rural Tips</td>
<td>30,000</td>
<td>34,355</td>
<td>34,355</td>
<td>Vancouver 100,000</td>
<td></td>
</tr>
<tr>
<td>Processing</td>
<td>120,000</td>
<td>133,091</td>
<td>133,091</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Green Waste</strong></td>
<td>363,710</td>
<td>489,356</td>
<td>475,981</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Less: Regional content (36,371) (6,851) (6,664)

**Net Contract Cost (excl GST)** 327,339 482,505 469,317
## 13.1.2 Disposal of Quarantine Waste at Bakers Junction Landfill Site

<table>
<thead>
<tr>
<th>File/Ward</th>
<th>SER 054 (Kalgan Ward)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposal/Issue</strong></td>
<td>Disposal of Quarantine Waste at Council’s Landfill Site</td>
</tr>
<tr>
<td><strong>Subject Land/Locality</strong></td>
<td>Bakers Junction Landfill</td>
</tr>
<tr>
<td><strong>Proponent</strong></td>
<td>Albany Port Authority</td>
</tr>
<tr>
<td><strong>Owner</strong></td>
<td>City of Albany</td>
</tr>
<tr>
<td><strong>Reporting Officer(s)</strong></td>
<td>Manager of City Services (S Massimini)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Previous Reference</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Summary Recommendation</strong></td>
<td>That Council requests staff contact the Albany Port Authority and advise them that Council would only be willing to sign the Compliance Agreement for Deep Burial of Quarantine Waste if the Port Authority is willing to meet the full cost of $340 per week, plus delivery to the Bakers Junction Landfill on a regular scheduled delivery.</td>
</tr>
<tr>
<td><strong>Bulletin Attachment</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Locality Plan</strong></td>
<td>N/A</td>
</tr>
</tbody>
</table>

### BACKGROUND

1. A request has been received from the Albany Port Authority (APA) to determine whether Council would be willing to sign a compliance agreement with the Australian Quarantine and Inspection Service (AQIS) for the disposal of Quarantine Waste at Council’s landfill.

2. Signing of the compliance agreement for deep burial would allow the APA to dispose of the waste without an AQIS officer being present. Under the current situation, an AQIS officer is required to be in attendance at all times during collection, transportation and disposal via deep burial or incineration. The costs associated with having the officer present is currently born by the APA.

3. The APA has been disposing of low risk quarantine waste via deep burial for some time at Council’s Hanrahan Road landfill site. Higher risk material has been incinerated at the APA’s incinerator situated at the Port.
Item 13.1.2 continued

4. The City has been disposing of the waste and charging at the rate of $50 per cubic metre, the same rate as biomedical waste (it has similar disposal requirements).

5. All waste disposed of to date has been under the supervision of an AQIS officer as per the requirements.

STATUTORY REQUIREMENTS

6. Compliance with the Quarantine Act 1908 and Environmental Protection Act 1986.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. A detailed financial analysis of the cost implications for disposing of the waste at the Bakers Junction landfill site was necessary, and the implications associated with added measures required with the Compliance Agreement for deep burial needed to be assessed.

9. The AQIS guidelines require the following works:
   - excavate a trench
   - create and setout signage
   - provide a machine and operator once a week to dispose of the waste as required
   - survey and administer the spacial information

   This includes such tasks as having at least two officers trained as AQIS approved persons (condition of agreement), disposal records and documentation being kept, two formal audits per year plus an annual review. The total estimated cost per year is $17,700.

10. The APA have estimated that approximately 0.44 cubic metres of waste per ship is produced and have approximately 110 ships visit per year. With these figures, the volume is estimated to be 0.9 cubic metres per week.

11. Therefore, the cost incurred by Council to allow the APA to dispose of their waste at the Bakers Junction landfill site would be $380 per cubic metre.

STRATEGIC IMPLICATIONS

12. There are no strategic implications relating to this item.
Item 13.1.2 continued

**COMMENT/DISCUSSION**

13. Research undertaken has found that deep burial disposal is being undertaken at all major regional ports. In discussions with officers from the Department of Environmental Protection (DEP), landfill disposal is being used at Bunbury and Esperance. There have not been any reported problems from those sites.

14. The disposal of quarantine waste at the Hanrahan Road site is not considered to be the best option given the concerns with leachate from the site. The Bakers Junction landfill would appear to be more appropriate as Bakers Junction has a clay sub strata which provides opportunities for deep burial as this greatly improves leachate control.

15. Copies of the Compliance Agreement and associated documents, such as Schedule for the Burial of Quarantine Waste, Operational Procedures Statements, Audit Policy, Compliance Policy, Appeals Policy and Review Policy have been provided by the APA on behalf of AQIS.

16. There are numerous obligations on a party signing the agreement. The obligations expected of the City will include:

- Approval by the DEP, and operating in accordance with its license requirements;
- The landfill facility must be approved as a premises suitable for the burial of quarantine waste;
- That only AQIS approved persons undertake the activities relating to the disposal of Quarantine waste;
- That staff are trained to become an AQIS approved person and a register be kept of persons qualified;
- That all records and documents pertaining to disposal are kept;
- All requirements pertaining to deep burial are met;
- Any changes to the process management system must receive AQIS approval in writing prior to any implementation;
- 2 formal audits will be undertaken each year with one of those being unannounced;
- Failure to pass the audit would lead to suspension of our ability to receive quarantine waste;
- An annual review of the requirements is also necessary involving AQIS and the City.

17. As can be seen from the extensive list, there are numerous tasks to be undertaken to effectively meet the Compliance Agreement requirements. It is for this reason that the cost of disposal is much higher than would otherwise be expected, as detailed in Financial Implications.
Item 13.1.2 continued

RECOMMENDATION 1.

THAT Council, subject to written agreement with Albany Port Authority to dispose of quarantine waste from the Albany Port, instruct staff to sign the appropriate Compliance Agreement between the City of Albany and Australian Quarantine and Inspection Service.

Voting Requirement Simple Majority

MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR PAVER

THAT Council, subject to written agreement with Albany Port Authority to dispose of quarantine waste from the Albany Port, instruct staff to sign the appropriate Compliance Agreement between the City of Albany and Australian Quarantine and Inspection Service.

MOTION CARRIED 15-0

RECOMMENDATION 2.

THAT Council establish a fee of $380 per cubic metre for the disposal of quarantine waste at its Bakers Junction landfill site, and that this fee be advertised locally for a period of one (1) week.

Voting Requirement Absolute Majority

MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR BOJCUN

THAT Council establish a fee of $380 per cubic metre for the disposal of quarantine waste at its Bakers Junction landfill site, and that this fee be advertised locally for a period of one (1) week.

MOTION CARRIED 15-0

ABSOLUTE MAJORITY
13.2  ASSET MANAGEMENT

13.2.1 Proposed Road Closure – Portion Lower Denmark Road, Youngs Siding

File/Ward : SER 088 (West Ward)
Proposal/Issue : Closure of a portion of unmade road reserve on Lower Denmark Road, Youngs Siding.
Subject Land/Locality : Lower Denmark Road, Youngs Siding
Owner : Crown
Reporting Officer(s) : Asset Coordinator (S Broad)
Disclosure of Interest : Nil
Previous Reference : OCM 19/08/03 – Item 13.2.2
Summary Recommendation : That Council not support the request for road closure.
Bulletin Attachment : Nil
Locality Plan :
Item 13.2.1 continued

BACKGROUND

1. Council resolved at its meeting on 17/06/03 to invite submissions from the community, Department of Sport and Recreation, Department of Conservation and Land Management and service authorities on the proposal to permanently close a portion of unformed road reserve on Lower Denmark Road, Youngs Siding.

2. Closure of this portion of Lower Denmark Road and re-gazettal of the land to private property would relieve Council of the requirement to maintain the unmade portion of the road reserve.

3. The proposed closure was advertised in the Weekender in accordance with the Land Administration Act (1997) Section 58, on 4th September 2003.

STATUTORY REQUIREMENTS

4. In accordance with Section 58 of the Land Administration Act 1997, the proposal will need to be advertised for a period of 35 days for public comment and referred to all affected agencies. Following advertising, Council is to consider the proposal in light of any submissions received.

5. Given further support from Council, the proposal is then submitted to the Department of Land Information (ex DOLA) who processes the proposal and administers the closure and disposal of the land.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. There are no financial implications relating to this item. The proponents have paid the administration fees pertaining to the road closure.

STRATEGIC IMPLICATIONS

8. In the City of Albany’s strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:

   Transport systems and services designed to meet current and future needs
   Objective:
   • To plan Albany’s transport infrastructure to meet future needs complementary to the City’s form and sense of place.

COMMENT/DISCUSSION

9. The road reserve along this section of Lower Denmark Road is currently between 110 and 120 metres wide, as part was originally a railway reserve and has since been incorporated into the Lower Denmark road reserve.
10. The re-alignment of the road reserve would provide for a road reserve of 30 metres in width. There is discussion at this stage to incorporate the future Mundabiddi Trail along this section of Lower Denmark Road, however the exact location of the trail along Lower Denmark Road has not been defined to date.

11. The proposal was advertised by publication of a notice in the Weekender on 4th September 2003 and a letter sent to all owners of lots in the immediate area. At the end of the advertising period, 10th October 2003, sixty nine (69) submissions were received.

12. There were forty three (43) submissions opposing the road closure, for the following reasons:
   - Loss of a regional bush corridor with potential impacts on the native flora and fauna, and the area should be preserved as a natural wildlife corridor.
   - Future use of this land may include the development of the Mundabiddi trail. This would greatly benefit the local and wider community in providing a safe track off the road.
   - Road reserves give the potential for linear linkage (either for nature corridors or human movement).
   - Many unmade road reserves contain significant vegetation, wetlands or water courses that should remain in public ownership.
   - Consider the wider economic, social and environmental impact that the closure of the road reserve would have on the region.
   - The closure of a portion of the road reserve would benefit a select few to the detriment of many, especially future generations.
   - The purchase of this land by some of the adjacent landowners would take away options for the future, including extension of the road, drainage, Western Power access and as a potential site for a recreational trail.

13. There were twenty one (21) submissions supporting the road closure, for the following reasons:
   - Road reserves would be managed in a better way by adjoining landowners.
   - It may release the City of its responsibility of this land and weed management.
   - This proposal should be allowed to go ahead as this land is currently of no public use, nor is it likely to be in the future.
   - A 30-40 metre road reserve allows road upgrading or recreational activities.
   - Council should be minimizing its responsibility for land of little economic or social value.

15. Five (5) submissions were received from the service authorities stating they had no objections to the proposed closure.

16. The objections raised are valid and provide legitimate concerns over the loss of future use of this land by the community, especially considering the possible Mundabiddi Trail, and the large amount of vegetation on this land.
Item 13.2.1 continued

17. Whilst the supporting submissions raise several points, there appears to be little public benefit in supporting the relinquishing of public ownership over this land.

RECOMMENDATION

THAT Council given consideration to all submissions and the number of objections received, not support the request to close portion of Lower Denmark Road.

*Voting Requirement Simple Majority*

MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WILLIAMS

THAT Council given consideration to all submissions and the number of objections received, not support the request to close portion of Lower Denmark Road.

MOTION CARRIED 14-1
13.2.2 Proposed Road Closure - Eleanor Street

File/Ward : SER 088 (Kalgan Ward)

Proposal/Issue : Closure of Eleanor Street, Milpara to vehicular traffic

Subject Land/Locality : Eleanor Road, Milpara

Proponent : N/A

Owner : Crown

Reporting Officer(s) : Manager City Works (L Hewer)

Disclosure of Interest : Nil

Previous Reference : OCM 19/08/03 - Item 13.2.1

Summary Recommendation : Close Eleanor Street to vehicular traffic between Rufus Street and John Street, with a lockable gate to ensure access for utility providers and pedestrians/cyclists.

Bulletin Attachment : Nil

Locality Plan : 

![Locality Plan Image]
BACKGROUND

1. Council resolved at the Ordinary Council Meeting of 19th August 2003 to advertise the proposal to close Eleanor Street, inviting comments from the community and service authorities for consideration prior to resolving the closure, as a number of Ratepayers have written to Council requesting that Eleanor Street be improved to alleviate the safety and dust problems currently experienced.

2. Given its low ranking in Council’s Asset Management Strategy, sealing of Eleanor Street is not planned to occur for some 30 years.

3. The alternative solution to the safety and dust problems is to close Eleanor Street to vehicles using this road as a short cut between Rufus Street and John Street.

4. Council’s Manager City Works met with residents of properties adjoining Eleanor Street on Monday, 23rd June 2003, and it was agreed that the closure of Eleanor Street would be the best solution for all parties, considering Council’s priorities.

5. An advertisement was placed in the Weekender on the 27th November 2003 calling for comments or objections.

6. Letters were hand delivered to the residents in Rufus and John streets that were in the vicinity of Eleanor Street.

STATUTORY REQUIREMENTS

7. Section 3.50 of the Local Government Act 1995 provides for closing certain thoroughfares to vehicles, as follows:

“(1) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

(3) The order cannot be made to have effect beyond 4 years after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –
Item 13.2.2 continued

a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;

b) give written notice to each person who –
   (i) is prescribed for the purposes of this section; or
   (ii) owns land that is prescribed for the purposes of this section; and

c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

(7) Subsections (4) and (5) do not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.

(8) If, under subsection (7), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.”

8. The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

POLICY IMPLICATIONS

9. The City of Albany currently does not have a policy on wholly or partially closing thoroughfares.

FINANCIAL IMPLICATIONS

10. The City of Albany would be required to accept costs associated with advertising the road closure.

STRATEGIC IMPLICATIONS

11. In the City of Albany’s strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:
Item 13.2.2 continued

Port of Call:
Transport systems and services designed to meet current and future needs.
Objective:
• To plan Albany’s transport infrastructure to meet future needs complementary to the City’s form and sense of place.

COMMENT/DISCUSSION

10. Eleanor Street is currently an unformed road that links Rufus Street and John Street in Milpara.

11. It is considered that the installation of a lockable barrier, with keys issued to service authorities, will help reduce the concern of safety and dust control issues.

12. In accordance with the Local Government Act 1995, the most appropriate course of action was to invite submissions from the community for the partial closure of Eleanor Street. The precise location of the barriers would be decided following consideration of submissions and discussions with abutting landowners.

13. Closing Eleanor Street will reduce maintenance costs as it is the only unsealed road in the area.

14. The public were given 35 days to comment or object to the road closure from the date of publication in the local paper. Six submissions were received in that period. See table below

<table>
<thead>
<tr>
<th>Submission</th>
<th>Comment</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Power</td>
<td>No objection providing access via gate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and remains as crown land.</td>
<td></td>
</tr>
<tr>
<td>Telstra</td>
<td>No objection providing access via gate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and remains as crown land.</td>
<td></td>
</tr>
<tr>
<td>Water Corporation</td>
<td>No objection providing access via gate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and remains as crown land.</td>
<td></td>
</tr>
<tr>
<td>Joanne Dekker</td>
<td>Happy with closure. Request access for</td>
<td></td>
</tr>
<tr>
<td></td>
<td>pedestrians and cyclists</td>
<td></td>
</tr>
<tr>
<td>Ray &amp; Vicki Dawson</td>
<td>If not going to be sealed then no objection.</td>
<td></td>
</tr>
<tr>
<td>Wendy &amp; Greg Kissane</td>
<td>Strongly object as they use Eleanor street to access rear of block via unnamed ROW</td>
<td></td>
</tr>
</tbody>
</table>
Item 13.2.2 continued

15. Though an objection was submitted to Council, the access to the property in question has not been blocked as access to the rear of their property is possible from John Street through to the property.

RECOMMENDATION

THAT Council, in accordance with Section 3.50 of the Local Government Act 1995, close Eleanor Street to vehicular traffic between Rufus Street and John Street, with a lockable gate to ensure access for utility providers and pedestrians/cyclists.

Voting Requirement Simple Majority

MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR BOJCUN

THAT Council, in accordance with Section 3.50 of the Local Government Act 1995, close Eleanor Street to vehicular traffic between Rufus Street and John Street, with a lockable gate to ensure access for utility providers and pedestrians/cyclists.

MOTION CARRIED 15-0
ABSOLUTE MAJORITY
13.2.3 Disposal of Plant – Caterpillar 130G Grader (P29) & Truck Isuzu NPR300 (P93)

** File/Ward : C03033 (All Wards)

** Proposal/Issue : Disposal of Equipment by Public Tender – Cat 130G Grader P29 & Isuzu NPR300 Truck P93.

** Subject Land/Locality : N/A

** Proponent : N/A

** Owner : N/A

** Reporting Officer(s) : Depot Services Coordinator (J Harbach)

** Disclosure of Interest : Nil

** Previous Reference : OCM 18/06/02 – Item 13.2.6

** Summary Recommendation : That Council accepts the tender from Eastside Commercials for the disposal of P93 AL13759 Isuzu Truck and from Ovest Machinery for the disposal of P29 AL13020 Caterpillar 130G Grader.

** Bulletin Attachment : Nil

** Locality Plan : N/A

** BACKGROUND

1. Council have previously adopted the Asset Management Plan – Plant Replacement, and as part of this program of plant management, a Caterpillar grader and an Isuzu truck have been identified as under-utilised equipment and are therefore surplus to Council’s requirements.

2. A request for tenders was published in the West Australian on 1\textsuperscript{st} November 2003 and the Albany Advertiser on 4\textsuperscript{th} November 2003 for the disposal of these two items of plant.

** STATUTORY REQUIREMENTS

3. Part 3, Section 3.58 of the Local Government Act 1995 states that a local government can only dispose of property to the highest bidder at public auction, or to the person who, at public tender called by the local government, makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Whilst the disposal of the grader has not obtained the anticipated disposal price of $60,000 exc. GST, as forecast in the 2003/2004 budget, the under budgeted revenue of $19,162, is offset by savings made by the recent purchase of the new truck and pig trailers as approved at Council’s November 2003 meeting.

STRATEGIC IMPLICATIONS

6. In the City of Albany’s 2020 Plan Charting Our Course, the following Port of Call is identified:

Transport systems and services designed to meet current and future needs.
- Objective:
  To effectively and efficiently manage the City’s transport infrastructure:
  - To provide a high quality service;
  - To meet community expectations;
  - To minimise whole life costs;
  - In alignment with transport plans.

COMMENT/DISCUSSION

7. A total of ten specifications were issued. The following table summarises those submissions received by the close of the tender period.

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Truck - Tender Price (inc. GST)</th>
<th>Grader - Tender Price (inc. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeffs (Quarry &amp; Mining) Equipment</td>
<td>N/A</td>
<td>$31,750.00</td>
</tr>
<tr>
<td>Smith Broughton &amp; Sons</td>
<td>$14,934.70</td>
<td>$34,404.70</td>
</tr>
<tr>
<td>City &amp; Shire Truck &amp; Plant Suppliers</td>
<td>$16,100.70</td>
<td>$32,265.70</td>
</tr>
<tr>
<td>Eastside Commercials</td>
<td><strong>$18,286.00</strong></td>
<td>N/A</td>
</tr>
<tr>
<td>Ladbrooke Machinery Sales</td>
<td>N/A</td>
<td>$38,802.50</td>
</tr>
<tr>
<td>Ovest Machinery</td>
<td>N/A</td>
<td><strong>$46,838.00</strong></td>
</tr>
</tbody>
</table>

8. Whilst the anticipated budgeted disposal price for the grader has not been achieved, industry sources have suggested that given the circumstances of the grader being twenty (20) years old with over 24,000 hours recorded, and that no major repairs have been carried out on this grader to date, this is an acceptable disposal price.
Item 13.2.3 continued

9. Both companies seek to have delivery of the machines two weeks after Council’s decision. Both machines are currently not operational pending sale.

RECOMMENDATION

THAT Council accept the tender C03033 from Eastside Commercials for the disposal of Council’s Isuzu NPR300 truck (P93 AL13759) at a sale price of $18,286.00 and from Ovest Machinery for the disposal of Council’s Caterpillar 130G Grader (P29 AL13020) at a sale price of $46,838.00 (all prices include GST).

Voting Requirement Simple Majority

MOVED COUNCILLOR WEST
SECONDED COUNCILLOR DEMARTEAU

THAT Council accept the tender C03033 from Eastside Commercials for the disposal of Council’s Isuzu NPR300 truck (P93 AL13759) at a sale price of $18,286.00 and from Ovest Machinery for the disposal of Council’s Caterpillar 130G Grader (P29 AL13020) at a sale price of $46,838.00 (all prices include GST).

MOTION CARRIED 15-0
13.2.4 Bayonet Head Dual Use Path

File/Ward : SER 083 (Yakamia Ward)
Proposal/Issue : Bayonet Head Dual Use Path Petition
Subject Land/Locality : Yokanup Drive to Yakamia Creek
Proponent : City of Albany
Owner : City of Albany
Reporting Officer(s) : Executive Director Works & Services (B Joynes)
Disclosure of Interest : Nil
Previous Reference : Nil
Summary Recommendation : That Council receives the Petition
Bulletin Attachment : Correspondence Received
Locality Plan : N/A

BACKGROUND

1. As part of Council’s Asset Management Strategy – Pathways, Council approved the construction of a regional connector path from Bayonet Head to Middleton Beach as part of its 2002/03 Budget. The pathway is a connector from Bayonet Head to Middleton Beach, and completes a missing link in the network. Ultimately, the pathway becomes part of the regional distributor from Kalgan Bridge through to town to enable residents as far away as Lower King to utilise an off road network to move throughout the City.

2. Council formally opened the path on Monday, 30th June 2003, and has since received seven letters of thanks ranging from the Over Fifties Recreation Association to school children, who regularly utilise the path.

3. A resident of Bayonet Head contacted Council officers on 18th December 2003 expressing concern over the section of the path from Yokanup Drive through to the Yakamia Creek that involves a switchback layout to traverse a steep section of hill. The resident believed the path was too steep and dangerous for young children on bicycles, and has demanded immediate closure of this section.

4. The issue was further raised through a recent letter to the editor after Christmas, and a roadside petition on Friday, 2nd January. A total of 211 signatures were received through the petition, which requested the following course of action:
Item 13.2.4 continued

“...We request a formal investigation be undertaken immediately to determine...

1. whether or not this section of path meets the appropriate design standards, and

2. a suitable course of action to be taken if it is found to be deficient, including the possible closure of this section to cyclists and the investigation of alternative routes.”

STATUTORY REQUIREMENTS

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

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. In the City of Albany’s strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:

Port of Call:
Transport systems and services designed to meet current and future needs.
Objective:
- To plan Albany’s transport infrastructure to meet future needs complementary to the City’s form and sense of place.

COMMENT/DISCUSSION

9. Council Staff met the resident onsite on Tuesday, 23rd December, and following his concerns, carried out a further safety inspection of the site. As such, additional barriers and signage have now been installed, line marking has been redefined, and driveway access points have been rationalised.

10. A survey over the centerline of the path was undertaken to audit the path’s compliance with Australian Standards. Other sections of the Pathway were also surveyed to compare this section of path, with many other sections of district Pathway that are utilised by the public to look at comparative steepness around the network.
Item 13.2.4 continued

11. Standards Australia – Austroads Part 14, outlines that gradients should not exceed 9.5% (8% desirable) for ease of uphill cycling. Downhill travel gradients steeper than 5% should be avoided, but if created then consideration should be given to providing additional path width and a clear escape route or recovery area adjacent to the outside of the path curve. For short distances (less than 50m) a gradient exceeding 12% is extremely hazardous. The Australian Standard (AS1428) defines that a maximum ramp gradient for disability access should not exceed 1:14 (7.1%) for access ramp gradients.

12. Surveys of other pathways have shown that sections of the Ellen Cove to Port Boardwalk are between 8% to 10%, and sections of the Middleton Beach to Emu Point Pathway are up to 11%. For comparison, the well-known Bridges Street in town averages 25%.

13. The path survey has shown that the switchbacks range in gradient from 6% to 10% with one switchback (first on descent) being 12%. The path therefore does exceed the desirable downhill grade but does not exceed the maximum recommended grade for cycling. However, alteration to the first switchback (at the top of the descent) will need to be undertaken to allow for a clear escape route or recovery area adjacent to the outside of the path curve as recommended by Australian Standards. This work will be undertaken and completed as soon as possible.

RECOMMENDATION

THAT Council receive the Petition.

Voting Requirement Simple Majority

……………………………………………………………………………………………………………………………

MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON

THAT Council receive the Petition.

MOTION CARRIED 15-0
13.3 WORKS

Nil

13.4 AIRPORT MANAGEMENT

Nil

13.5 RESERVES PLANNING & MANAGEMENT

Nil

13.5 WORKS & SERVICES COMMITTEES

Nil
General Management Services

REPORTS
14.1 STRATEGIC DEVELOPMENT

14.1.1 Tenterden Bush Fire Appeal

File/Ward : REL 084 (All Wards)
Proposal/Issue : Contribution of $3,000 towards Tenterden Bushfire Appeal
Subject Land/Locality : N/A
Proponent : N/A
Owner : N/A
Reporting Officer(s) : Chief Executive Officer (A Hammond)
Disclosure of Interest : Nil.
Previous Reference : Nil.
Summary Recommendation : Council contribute $3,000 to the Tenterden Bush Fire Appeal.
Bulletin Attachment : Nil.
Locality Plan : N/A

BACKGROUND

1. The tragic bushfire that occurred in Tenterden on the weekend of the 27\textsuperscript{th} and 28\textsuperscript{th} of December 2003, resulted in losses of life and the significant destruction of stock, crops, farming equipment and property.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. The proposed donation is not budgeted and will require ratification at the next quarterly financial review.

STRATEGIC IMPLICATIONS

5. There are no strategic implications relating to this item.
Item 14.1.1 continued.

**COMMENT/DISCUSSION**

6. Residents in the Great Southern rural hinterland have a significant and positive impact on the social and economic fabric of the City. It is considered appropriate to make a financial contribution to the bushfire appeal to assist the Shire of Cranbrook and the residents of Tenterden in recovering from this devastating event.

**RECOMMENDATION**

THAT the City of Albany donate $3,000 to the Tenterden Bushfire Appeal.

*Voting Requirement Absolute Majority*

MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR EMERY

THAT the City of Albany donate $3,000 to the Tenterden Bushfire Appeal.

MOTION CARRIED 15-0
ABSOLUTE MAJORITY
14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Proposed Review of Council Meeting, Briefing and Committee Representation Arrangements

File/Ward : MAN 006 (All Wards)
Proposal/Issue : Review of Meeting, Briefing and Committee Representation Arrangements
Subject Land/Locality : N/A
Proponent : Various Councillors
Owner : N/A
Reporting Officer(s) : Chief Executive Officer (A Hammond)
Disclosure of Interest : Nil
Previous Reference : Nil.
Summary Recommendation : That the Chief Executive Officer Facilitates a Review of Council Meeting, Briefing and Committee Representation Arrangements.
Bulletin Attachment : Nil.
Locality Plan : N/A

BACKGROUND

1. Several Councillors have expressed concerns as to the difficulties they are experiencing in dealing with constituent concerns and complex agenda items due to deficiencies in the current system of meetings and briefing sessions.

2. Discussion with relevant officers has also highlighted problems with the effectiveness of the existing governance framework in establishing valid and effective communication between elected members and officers.

STATUTORY REQUIREMENTS

3. Local Government Act 1995 Section 2.78 explains the role of the Council. Sections 2.8, 2.9 and 2.10 explain the role of the Mayor, Deputy Mayor and Councillors respectively.

4. Section 5.41 provides the function of the Chief Executive Officer.
Item 14.2.1 continued.

**POLICY IMPLICATIONS**

5. The outcome of the review could facilitate changes to Council Policies and Standing Orders.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

7. The review will ensure that the separation of function between operational and strategic/policy development activities is reinforced.

**COMMENT/DISCUSSION**

8. The current system of briefings, meetings and committee representations has been in place since the inaugural City Council was elected in May 1999.

9. The exchange of timely and accurate information between the administration and elected members is essential in ensuring that the strategic objectives of the City are met, the policy framework of the City is relevant and workable and the day to day operations of the City are conducted efficiently and effectively.

10. It is timely to facilitate a review of the current system to establish areas where improvements can be made and importantly to research and implement where relevant and practical, best practice board governance principles.

11. It is envisaged that a review would take approximately one month and be ready for Council discussion and debate at the March ordinary meeting. It is proposed to conduct a workshop / briefing between management and elected members as part of the process.

**RECOMMENDATION**

THAT the Chief Executive Officer facilitate a consultative review of Council’s meeting, briefing and committee representation arrangements with the objective of:

i) establishing the relevance and effectiveness of external committee representation and rationalising representation if appropriate;

ii) improving information exchange between Elected Members and staff on significant departmental issues;

iii) providing a forum for discussion, investigation and information exchange on Council agenda items between Councillors, staff and if appropriate project proponents; and

iv) examining the effectiveness of standing committees, standing orders and the timing of current meeting and briefing arrangements.

*Voting Requirement Simple Majority*

..........................................................................................................................
Item 14.2.1 continued.

**MOVED COUNCILLOR WATERMAN**
**SECONDED COUNCILLOR WELLINGTON**

THAT the Chief Executive Officer facilitate a consultative review of Council’s meeting, briefing and committee representation arrangements with the objective of:

a) establishing the relevance and effectiveness of external committee representation and rationalising representation if appropriate;

b) improving information exchange between Elected Members and staff on significant departmental issues;

c) providing a forum for discussion, investigation and information exchange on Council agenda items between Councillors, staff and if appropriate project proponents; and

d) examining the effectiveness of standing committees, standing orders and the timing of current meeting and briefing arrangements.

**MOTION CARRIED 15-0**
14.3 ECONOMIC DEVELOPMENT

14.3.1 Proposed Albany Convention and Entertainment Centre

File/Ward : MAN 075 (Frederickstown Ward)

Proposal/Issue : Albany Convention and Entertainment Centre

Subject Land/Locality : Current site of City of Albany Administration building on York Street

Proponent : City of Albany

Owner : City of Albany

Reporting Officer(s) : Chief Executive Officer (A Hammond) Manager, Economic Development (J Berry)

Disclosure of Interest : N/A

Previous Reference : OCM 13.07.1999 - (Item 15.3.2)
                     OCM 05.10.1999 - (Item 15.3.2)
                     OCM 04.07.2000 - (Item 14.2.1)
                     OCM 21.05.2002 - (Item 14.3.2)
                     OCM 18.02.2003 - (Item 14.3.1)
                     OCM 16.12.2003 - (Item 14.3.1)

Summary Recommendation : THAT Council select a strategic option for progressing development of the proposed Albany Convention and Entertainment Centre

Bulletin Attachment : Tender Brief outlining the project scope and requirement for professional services

Locality Plan

Subject Site

175
BACKGROUND

1. In May 1997, an investigation into the need for a cultural centre began with a broad based feasibility study prepared by McIntyre Management and Marketing (Feasibility Report – Great Southern Regional Cultural Centre). The study surveyed 251 residents on demand and locational issues and recommended model criteria for a successful performing arts/convention centre.

Key findings of the report were:-
- The cultural centre be a multi purpose venue;
- Be located in the town of Albany in a prominent location for maximum resident and visitor impact, and;
- Sites outside the town centre would not be viable as they would provide the level of activity and economic spin-offs of a central site

2. In March 1998, a detailed Site Assessment Study was prepared by Ayton Taylor & Burrell, Woodhead International, Wood & Grieve Engineers and Albany Valuation Services (Great Southern Regional Cultural Centre – Site Assessment Study). The study was commissioned to examine the on and off-site implications of siting a cultural centre on five nominated sites being:-

- Albany Town Council site on York Street
- Wesfarmers site at the foot of York Street
- Western precinct of Landcorp’s Foreshore Redevelopment area
- The foreshore lakes site to the west of the hospice
- The Albany Woolstores site on the corner of Frenchman Bay Road and Hanrahan Road

3. The final recommendation from the report was that the existing Council administration centre site on York Street be selected based on:-
- Availability of site
- Builds on surrounding cultural activities (library, Town Hall, Alison Hartman gardens)
- Consolidates activity and vitality in the CBD
- Car-parking will be well located to serve the central area.

4. A community-based working party was established in April 1998, to review the feasibility study (1997) and Site Assessment Report (1998) and work with community arts groups to investigate issues and the level of involvement and support for the centre. The working party proposed that the York Street ‘super-block’ bounded by Serpentine Road, Collie Street, and Grey Street West be established as a cultural precinct and that the cultural centre be a major component of that precinct. The Great Southern Cultural Centre Steering Committee & the City of Albany endorsed the findings of the community working party.
5. In April 2000 a ‘Cultural Precinct Study’ was prepared by Toussaint Raynor Associates Pty Ltd and Woodhead International (Cultural Precinct Study for the City of Albany). The scope of the study was to prepare options for the planning and development of the cultural precinct and consider the optimum civic development of this key central city site to accommodate:
   - Great Southern Regional Cultural Centre
   - City of Albany Library
   - City of Albany Administration Centre
   - University of WA
   - Senior Citizens/Meals of Wheels Clubrooms

6. The cultural precinct for the purposes of the study was the area bounded by York Street, Serpentine Road, Collie Street and Grey Street

7. At the Ordinary Meeting of Council held on 4th July 2000, Council endorsed Option 2 as outlined in the ‘Cultural Precinct Study’ report to be adopted as the preferred model for the siting of the proposed Great Southern Regional Cultural Centre. Option 2 consolidates site planning as follows:
   - The regional cultural centre is positioned between the existing Town Hall and Library building
   - Council Administration and Chambers are located on a separate site
   - Existing Library building to be expanded and refurbished
   - Multi-deck car-park to be constructed on the corner of Collie and Grey Streets providing 90 car parks per level.

8. The concept plan allowed for staged development once the administrative building was vacated.

9. In October 2000, a report was prepared by Toussaint Rayner Associates Pty Ltd titled ‘Great Southern Regional Cultural Centre Utilisation Study Report’. The principal objectives of the report were to inform the process of resolving a set of general physical characteristics for the centre which will best serve the cultural enrichment of the community; to estimate the capital cost of the facility and to determine the likely operating costs. The report found the centre would cost approximately $21 million with an estimated rate-payer subsidy requirement of around $275,000pa. The report recommended consideration of the Meetings, Incentives, Conferences and Exhibitions (MICE) sector be further considered in future design elements.

10. After consideration of the Toussaint Rayner report a number of questions were raised by community leaders seeking to ensure the ultimate design of the facility is affordable and meets the cultural and tourist/conference market for Albany and the Great Southern.
11. In early 2002 the City of Albany commissioned a consultant to report on issues and opportunities associated with developing a hybrid multi-purpose entertainment and conference facility with a strong convention / function centre focus. This report was prepared by Ian Howard and Associates and titled ‘Development proposal for the Albany Convention and Entertainment Centre’.

12. The report provided a brief overview of similar civic/entertainment facilities around regional Western Australia and assesses their strengths and weaknesses. It concludes that the City of Albany is in a unique situation to plan an entertainment and convention centre that:-
   • meets the cultural needs of Albany and the Great Southern;
   • is flexible and has the added facilities to provide a credible and efficient convention centre;
   • balances the capital cost to provide the required accommodation and service in a practical building; and
   • provides the focus for a broader marketing base with higher utilisation and higher income.

13. The report suggested a well-designed facility would be able to meet the community’s diverse cultural needs, while providing a workable meeting and convention centre. A first class venue could be established for a range of cultural activities including:-
   • Symphony orchestras
   • Stage plays and Musicals
   • Conventions and Meetings
   • Rock Concerts and Big Bands
   • Intimate theatre productions
   • Eisteddfods
   • Visiting National and International performances

14. A multipurpose facility would also provide a number of tangible benefits for the community by:-
   • Providing a wider opportunity for local use of the complex
   • Growth in tourism
   • Additional local employment
   • An additional marketing advantage for the Great Southern

15. At its 21 May 2002 Ordinary Council Meeting, Council unanimously resolved to support the concept of establishing an ‘Albany Entertainment Centre and Convention Centre’ in the York Street precinct recognising the valuable contribution such a project will make to the social and economic well-being of Albany. Council also resolved to establish a Convention and Entertainment Centre Steering Committee to provide strategic guidance and policy direction. Membership is currently resolved as follows:-
Item 14.3.1 continued.

- Member for Albany (Mr Peter Watson MLA) - Chair
- Mr Ian Osborne (Albany Visitor Centre) – Deputy Chair
- Town Hall Theatre Manager (Mr Stewart Gartland)
- Great Southern Development Commission (Mr Maynard Rye)
- Great Southern Tourism Association (Mr Len Smith)
- Elected Member (Cr Alison Goode);
- Chris Morris, as General Community member; and
- Annette Davis, as Community Arts member
- Aboriginal Community Representative (tbc)

16. In October 2002 the Minister for Planning and Infrastructure announced the results of a Citizen’s Jury, which was asked to consider the location of the City of Albany Administration building. The jury’s North Road recommendation led to the rezoning of the North Road site as the location for the administration building. The jury also recommended:-

“a. That the Council be charged with revitalising the York Street site as a matter of urgency. This was clearly stated by Councillors as an undertaking that had their unanimous support;

b. That the Council proceed with a CBD shop front in conjunction with the building of the new administration building”

17. On 18 September 2003 City officers made a formal presentation and submitted a strategic business plan on the concept of developing the convention and entertainment centre to the State Treasurer the Hon Eric Ripper MLC. (The Chief Executive Officers of the Western Australian Tourism Commission and the Ministry for Culture and the Arts were present at the meeting and have since confirmed their agencies support for the project)

18. Tenders for architectural services were advertised in The West Australian newspaper on 1 October 2003, and in the Albany Advertiser on 2 October 2003 and closed on 29 October 2003. The consultancy services were tendered in two stages:-

- **Stage 1** for brief development, preparation of a concept design and confirmation of the preliminary cost estimate. This documentation would be used by the City of Albany to finalise its funding arrangements with the State and Australian Government.
- **Stage 2** for the balance of the design development, documentation procurement and construction administration services, will not proceed if such funds do not become available.

19. Tenderers were advised of a potential delay of 6 to 9 months if funding is approved, before commencement of Stage 2.
Item 14.3.1 continued.

20. The tender document required the provision of full project management, architectural, cost planning, building engineering services, interior design and landscaping and all other specialist consultancy services including theatre/stage expertise to deliver the project. The project budget was set at $13.2M inclusive of fees, costs escalation and contingencies for the purposes of the tender. A total budget of $14.2 is being sought with an additional $1m from the Australian Government.

21. Following the presentation and commencement of tender documents, a capital works submission was prepared in October 2003 by the Great Southern Development Commission (GSDC) for $12m State Government financial assistance.

22. On 4 December 2003 City of Albany and Great Southern Development Commission Officers met in Canberra with the Hon. De-Anne Kelly, Parliamentary Secretary to the Minister for Regional Services seeking a $1m contribution to the centre. This meeting followed a unanimous resolution to support the project from the Great Southern Area Consultative Committee on 29 November 2003.

23. At the Ordinary Council Meeting of 16 December 2003 a motion to appoint an Architect to commence the preparation of Stage One concept designs at a cost of $143,965 was lost. (The brief used in the tender that specifies full architectural and project management services is included in the elected members report/information bulletin)

STATUTORY REQUIREMENTS

24. Under the Local Government Act 1995, procurement for goods and services greater than $50,000 require the Local Government to publicly advertise the tender. A request for tender was advertised in statewide newspapers on 1 October 2003.

POLICY IMPLICATIONS

25. The City’s Buy Local Policy (Regional Price Preference) is applicable in the selection of tenders.

FINANCIAL IMPLICATIONS

26. Based on preliminary planning for the Albany Convention and Entertainment Centre, it is estimated the capital cost of such a facility would be in the order of $13-14 million. The capital cost cannot be confirmed until a concept design is provided by an architect. The total annual operating deficit incorporating visitor servicing facilities and/or current Town Hall Theatre operating deficit is estimated to be between $360,000 and $415,000. Net impact upon Council resources is estimated to be between $115,000 and $180,000 per annum. The variation between predicted deficits is dependant upon the business model utilised for the project.
Item 14.3.1 continued.

27. Council has allocated $30,000 in 2003/04 for the convention and entertainment centre architect procurement and for a preliminary design. $10K was sourced as a grant from the Great Southern Development Commission. $14,000 has been expended for the services of GHD in tender development and contract administration services. Council also has $457,310 (projected balance as at 30 June 2004 - $477,888) in a cultural/concert reserve fund for this project.

28. The capital cost is based on an estimated budget of $14.2m with contributions being sought as follows:-

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government</td>
<td>$10.0m</td>
</tr>
<tr>
<td>Australian Government</td>
<td>$1.0m</td>
</tr>
<tr>
<td>City of Albany</td>
<td>$1.2m</td>
</tr>
<tr>
<td>Sale of City reserve land</td>
<td>$2.0m</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$14.2m</strong></td>
</tr>
</tbody>
</table>

STRATEGIC IMPLICATIONS

29. The Albany 2020 Charting Our Course Strategic Plan includes the objectives:-

“to provide communities with quality buildings that are functional, well-maintained and meet social and cultural needs”. This objective underpins the Port of Call (key result area) entitled “The continual development of Council services & facilities to meet the needs of all stakeholders”.

“The attraction and development of a broad range of social, cultural and economic entities” This objective underpins the Port of Call (key result area) entitled “To identify and facilitate outstanding economic development opportunities for the City of Albany”

COMMENT/DISCUSSION

30. The background to this item outlines the sequence of events, discussions and resolutions of Council that have culminated in the City of Albany tendering for professional architectural and project management services to progress development of the Albany Convention and Entertainment Centre.

31. Given that significant public funding for capital works will be required to ensure minimal debt financing of the project by Council, the State and Federal political environment will likely influence funding decisions to the project. Federal and State elections in 2004 and 2005 respectively provide an opportune time to approach both tiers of Government to financially assist with the majority of the development costs.

32. With the imminent relocation of the Administration office from York Street to North Road, urgent action is required to ensure revitalisation of the central York Street area, as previously acknowledged by both Council and the community jury that deliberated over the Administration Centre site.
Item 14.3.1 continued.

RECOMMENDATIONS

THAT Council confirms its support for the development of a Convention and Entertainment Centre on the York Street site of the existing administration building

AND;

THAT Council:

i) appoint Peter Hunt Architect to undertake architectural design and project management of the Albany Convention and Entertainment Centre, subject to Stage One work being limited to Project Scope/Brief and Conceptual Design (as specified in the consultants brief and competitively tendered) for the lump sum price of $143,965 (Stage One), with contract completion contingent on capital funding approvals*; and

ii) transfers $130,000 from the Concert/Cultural Reserve Fund to undertake this work

(nb:- Five Councillors’ are required to move a recision motion as this reverses the decision of OCM 16.12.03)

OR

appoint Peter Hunt Architect to undertake architectural design and project management of the Albany Convention and Entertainment Centre contingent on capital funding approvals*.

(nb:- Five Councillors’ are required to move a recision motion as this substantially changes the decision of OCM 16.12.03)

*Contract Price to be adjusted by the Consumer Price Index (CPI) for the period between the date of contract price validity expiry (30 January 2004) and the date of capital funding approval

Voting Requirement Absolute Requirement

Councillors Paver, Bojcun, Waterman, Williams and Evans supported the reconsideration of this item.

MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WEST

THAT the resolution of OCM Item 14.3.1 Tender Selection - Albany Convention and Entertainment Centre Consultancy, be rescinded.

MOTION CARRIED 15-0
ABSOLUTE MAJORITY
Item 14.3.1 continued.

**MOVED COUNCILLOR SANKEY**  
**SECONDED COUNCILLOR BARTON**

THAT Standing Order 6.5 be suspended during discussion on this item.  
MOTION CARRIED 15-0

**MOVED COUNCILLOR EVANS**  
**SECONDED COUNCILLOR BARTON**

THAT Standing Orders be resumed.  
MOTION CARRIED 15-0

**MOVED COUNCILLOR WATERMAN**  
**SECONDED COUNCILLOR WILLIAMS**

THAT Council confirms its support for the development of a Convention and Entertainment Centre on the York Street site of the existing administration building  
AND;  
THAT Council;  
i) appoint Peter Hunt Architect to undertake architectural design and project management of the Albany Convention and Entertainment Centre, subject to Stage One work being limited to Project Scope/Brief and Conceptual Design *(as specified in the consultants brief and competitively tendered)* for the lump sum price of $143,965 (Stage One), with contract completion contingent on capital funding approvals*; and  
ii) transfers $130,000 from the Concert/Cultural Reserve Fund to undertake this work  
AND;  
THAT an additional three (3) Councillors be appointed to the Albany Convention and Entertainment Centre Steering Committee being:-  
• Councillor Waterman, Councillor Evans & Councillor Demarteau.  
MOTION CARRIED 13-2  
ABSOLUTE MAJORITY

Reason:  
• Three additional Councillors will provide more effective liaison and communication for elected members
14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

Nil.
ORDINARY COUNCIL MEETING MINUTES – 20/01/04
** REFER DISCLAIMER **

7.0 REPORTS – DEVELOPMENT SERVICES
[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 7-72]

8.0 REPORTS – CORPORATE & COMMUNITY SERVICES
[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 73-121]

9.0 REPORTS – WORKS & SERVICES
[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 122-168]

10.0 REPORTS – GENERAL MANAGEMENT SERVICES
[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 169-184]

11.0 ELECTED MEMBERS’ MONTHLY REPORT/INFORMATION BULLETIN
11.1 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 WILLIAMS
SECONDED COUNCILLOR JAMIESON

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

MOTION CARRIED 15.0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

17.0 MAYORS REPORT

“May I firstly take this opportunity to wish all Albany residents a very happy new year and life’s best for 2004.

Since the last Council meeting on the 16th December 2003 the mayoral engagements have been minimal through the Christmas, New Year and school holiday period. However I was again delighted to host the first reception for 2004 being the Albany Summer School’s welcome to tutors. Each year the school attracts hundreds of eager participants from near and far, thirsty for knowledge in all manner of subjects. I again congratulate the voluntary organising committee who spend countless hours preparing and co-ordinating such a diverse and interesting programme every year which
continues to attract quality tutors from all over Australia keen to share their wealth of experiences and skills.

From this week, activities start to pick up again with Wednesday being the Major Lockyer Proclamation Day – a day to commemorate the true first settlement of Western Australia in 1826 when Major Edmund Lockyer proclaimed the whole of the western side of Australia for the Crown. I encourage all residents of Albany to turn out in force on Wednesday to watch the annual re-enactment parade down York Street to the museum and show support for the volunteers who continue to carry out this important annual tradition.

On Sunday 25th, there will be a cricket match with a difference being held at the North Road Cricket Oval. The Mayor’s eleven comprising of local identities, some of whom profess to being able to play cricket, will be challenged by the Lockyer eleven. The Lockyer eleven team are all descendants of Major Lockyer, with many travelling from all over the state to participate in this inaugural cricket match. I invite any one interested in watching this fun cricket match to come down to North Road oval on Sunday from 10am.

Australia Day of course, brings cause from another celebration on Monday. Eyre Park is the venue for the City of Albany Family Fun Day this year. There will be entertainment, market stalls, a sausage sizzle, games for the children and of course the formal swearing in of some new Australian Day Active Citizenship Awards. It promises to be another great day for all Australian’s to get together and demonstrate pride in their nationality and their country.

Looking further ahead for the first quarter of 2004, I am excited by the progress the City of Albany has made with some major economic development projects. At the last Council meeting consultants were appointed for the Albany Waterfront project and understand that by late February they will be ready to share their concepts at public forums to ensure that the needs and wishes of the community are addressed. The Council has also appointed architects to commence conceptual designs for the proposed Albany Convention and Entertainment Centre.

Now that the windfarm road has been sealed, Council is now working with consultants to design food, beverage and toilet facilities along with improving the interpretive information. The Wellstead Resource Centre building has also just been completed with an official opening scheduled for mid February.

In February and March, Albany will provide a day stopover for more than 3000 passengers on board three cruise ships which will be visiting our shores. The City of Albany Council is proud to support these visits and will provide free bus transfers for passengers from the port to York Street. We are also sponsoring information bags to be presented to every passenger aimed at showcasing this truly magnificent part of Australia and to encourage a return visit.

Later in March, Albany will host a full sitting of State Parliament, the first time that this has been done outside of the Perth metropolitan area. The logistics for the week long event are quite complex, but I am proud to say that things are progressing well and I am looking forward to welcoming Premier Gallop and all the members of
parliament to Albany. It will provide a fantastic opportunity to ensure that the needs of Albany and our huge potential is brought to the fore and no doubt there will be plenty of lobbying happening at that time.

I hope you share my enthusiasm for Albany’s bright future and I look forward to reporting on our achievements as a City throughout the year.

MOVED COUNCILLOR BARTON
SECONDED COUNCILLOR SANKEY

THAT the Mayor’s report be received. MOTION CARRIED 15-0

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

19.0 CLOSED DOORS
Nil.

20.0 NEXT ORDINARY MEETING DATE
Tuesday 17TH February 2004, 7.30pm

21.0 CLOSURE OF MEETING
There being no further business, the meeting closed at 10.15pm.

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

<table>
<thead>
<tr>
<th>Name</th>
<th>Item</th>
<th>Nature of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors Williams</td>
<td>11.3.7</td>
<td>Property owner within vicinity</td>
</tr>
<tr>
<td>Councillor Barton</td>
<td>11.3.3</td>
<td>Employee at Coles</td>
</tr>
<tr>
<td>Councillor Evans</td>
<td>12.8.2</td>
<td>Impartial – Cllr Evans and Spouse involved with groups documented within minutes.</td>
</tr>
</tbody>
</table>

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING
Nil.

INTERESTS DISCLOSED BY OFFICERS

<table>
<thead>
<tr>
<th>Name</th>
<th>Item</th>
<th>Nature of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Rob Shanhun</td>
<td>12.8.2</td>
<td>Impartial – Chairman of Albany Volunteer Centre</td>
</tr>
</tbody>
</table>
SUMMARY OF ACCOUNTS

Municipal Fund
Cheques totalling 173,922.09
Electronic Fund Transfer totalling 1,460,523.42
Payroll totalling 697,242.16
TOTAL $2,331,687.67

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling $2,331,687.67 which was submitted to each member of the Council on 20th January 2004 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 $2,331,687.67 which was submitted to the Council on 20th January 2004 and that the amounts are recommended to the Council for payment.

___________________________
MAYOR
(A Goode JP)