

53. The Club has indicated if a new lease is not approved they may be forced to disband as the EPN prevents the Club from using the Miniup Park track and remains in force until removed or complied with.
54. Should Council decline the request to surrender the existing lease, the Albany Motorcycle Club Inc lease would remain static until expiry on 30 June 2013, however the Club is prevented from using the track.

SUMMARY CONCLUSION

55. Given Council has previously provided in-principle support for Motorsport Complex, which provides for the relocation of the Albany Motorcycle Club to Reserve 1947 and the opportunity for the Club to be situated in a more suitable location, the Albany Motorcycle Club Inc. request to surrender the existing lease over Reserve 30495 and a new lease over portion of Reserve 1947 for a term of 10 years is recommended, subject to conditions.

Consulted References	<ul style="list-style-type: none"> • Council’s Policy – Property Management – Leases • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	PRO176 (West & Kalgan Ward)
Previous Reference	OCM 01.07.1992 OCM 17.02.2009 Item 12.8.2 Recommendation 6 OCM 16.06.2009 Item 18.2 OCM 16.02.2010 Item 13.6.1 Recommendation 4 OCM 24.04.2010 Item 19.5 OCM 15.02.2011 Item 2.6

CITY OF ALBANY				
ALBANY MOTORCYCLE CLUB INC. – PROPOSED LEASE ON PORTION OF RESERVE 1947 PARKER BROOK ROAD, WILLYUNG				
SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1.	Mr John and Mrs Diana Reed 39 Federal Street MCKAIL WA 6330	<p>Mr & Mrs Reed provide the following comments in relation to the proposed Lease:</p> <ul style="list-style-type: none"> • Agree that the Club requires a safe environment but not so close to the City of Albany as there is a high demand for small farm residential blocks in that area. • Expensive to relocate the Club again in a couple of years due to urban sprawl. <ul style="list-style-type: none"> • Suggest a more suitable location would be at the back of Bakers Junction at the rear of the refuse site as there would be less noise and dust impact on local residences and traffic would be kept to major roads. <ul style="list-style-type: none"> • They enclosed a letter dated 23 March 2002 from the Albany Community Environment Centre (ACEC) with attached letters from the Department of Environment 	<p>Bakers Junction Nature Reserve 30463 is vested with the Conservation Commission of WA for the purpose of conservation of flora & fauna. Motorsport activities are not a permitted use.</p>	<p>The Albany Local Planning Strategy (ALPS) does not identify future urban or rural-residential development encroaching into this area. It's also affected in part by the Albany Airport Noise Buffer Zone.</p> <p>Reserve 1947 Parker Brook Road was identified as the most suitable location in the Albany Motorsport Complex Feasibility Study which was supported and adopted by Council at OCM 12.12.2008 and 17.02.2009.</p> <p>As part of the Planning Scheme Consent application the proponent</p>

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		Protection, Waters and Rivers Commission commenting on environmental issues regarding the proposed Motorsport Complex on Reserve 1947 Parker Brook Road.		will need to address the following: <ul style="list-style-type: none"> • Noise management • Waterway management • Waste management • Dust management • Effluent disposal • Vegetation clearing.
2.	Mr Phillip Attwell 14 Attwell Road CUTHBERT WA 6330	Mr Attwell considers the following issues that need to be addressed before proceeding with the proposed AMC Lease: <ul style="list-style-type: none"> • There was no mention of the reserve location. • City should consider the background as it was a noise complaint that forced the Club to be removed from the existing lease area to the proposed new location where the Club and the City will face the same problems. • What steps will be taken in order for this nor to occur again or will it be a case of wait and see who complains next time before stating legal proceedings against the Club for alleged noise breaches? • The Airport/Speedway/Port all have noise buffer zone policies protecting them. Under ALPS document 	It is acknowledged that historically there has been noise complaints and non compliance to noise regulations which culminated in the current Environmental Protection Notice (EPN).	Noted. Planning Scheme Consent will address noise management in accordance the Environmental Protection (Noise) Regulations 1997. It will be a requirement that as part of the Planning Scheme Consent noise

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		<p>category Major Sports Groups it has been noted that this Policy (Noise Buffer Zone) will be adopted for the trotting track once this becomes a problem. Maybe this is an option for the City as a step towards protection to the Club against further action.</p> <ul style="list-style-type: none"> • The proposed location comes within the Millbrook catchment stream area. How does this affect the Club or surrounding Leaseholders for legal action against them and what steps can be taken to prevent actions against these Clubs? • The term of 5 years is clearly not enough. 	<p>The Department of Water will be consulted regarding the protection of waterways within and in the vicinity of the lease area.</p> <p>Council resolved at OCM 15.03.2011 to support the recommended lease term of 10 years.</p>	<p>buffers to surrounding sensitive premises will need to be addressed. Unlike the trotting track which was constructed in the 1960's , new noise generating proposals should ensure noise impacts are retained within property boundary, therefore negating the need for the imposition of a buffer for surrounding private land parcels.</p> <p>It will be a requirement that as part of the Planning Scheme Consent waterway management will be addressed.</p> <p>Adopt proposed lease term of 10 years.</p>

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3.	Mr Peter and Kim White 27 Parker Brook Road DROME WA 6330	Mr & Mrs White as immediate neighbours to Reserve 1947 Parker Brook Road are against the proposed lease and provide the following comments: <ul style="list-style-type: none"> • They are concerned with noise pollution. • During prior meeting with the City they were assured that Council would not enter into such a lease with the Motorcycle Club unless firstly they had EPA approval which would protect them and the environment. • Currently experiencing noise problems with the Kart Club with the noise from the Motorcycle Club being even louder and invasive. They are still waiting on the installations of noise barriers as promised by the Kart Club. • They are entitled to live in their own home in peace and quiet. 	This matter has been referred to the Albany City Kart Club and City's Environmental Health team for action.	It will be a requirement that as part of the Planning Scheme Consent noise management in accordance the Environmental Protection (Noise) Regulations 1997 will be addressed. It will be a requirement that as part of the Planning Scheme Consent application EPA approval will be addressed. Noted.

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		<ul style="list-style-type: none"> • Mr White as young boy was a member of the Motorcycle Club when they were relocated from the Parker Brook Reserve to Roberts Rd because of environmental issues that are sill of importance today. • Agree that a venue of this sort is needed but not located less than 350 metres away from their home. • Propose that Council relocate the Motorcycle Club and other planned groups to Bakers Junction Reserve near the tip where pollution and degradation or land will have less impact on the environment and neighbours. 	<p>Bakers Junction Nature Reserve 30463 is vested with the Conservation Commission of WA for the purpose of conservation of flora & fauna as such Motorsport would not be permitted.</p>	<p>Noted.</p> <p>Noted.</p> <p>Reserve 1947 Parker Brook Road was identified as the most suitable location in the Albany Motorsport Complex Feasibility Study which was supported and adopted by Council at OCM 12.12.2008 and 17.02.2009.</p>